THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

LONDON LIBRARY

REFERENCE ONLY

Parl. Papers.

PARL. PAPERS
FOR REFERENCE ONLY.

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619934

HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

7° VICTORIÆ, 1844.

VOL. LXXIII.

COMPRISING THE PERIOD FROM

THE TWENTY-SECOND DAY OF FEBRUARY,

TO

THE SECOND DAY OF APRIL, 1844.

Second Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1844.

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_february-april-1844_73

TABLE OF CONTENTS

TO

VOLUME LXXIII.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.

I. Subjects of Debate in the House of Lords.

Page
Feb. 22. The Island of Tahiti—Question 1
Offences at Sea Bill—Third Reading of the Bill ... 3
The Deanery of Dromore—The Rev. Holt Waring—Motion for a return of the parishes constituting the Deanery of Dromore 3

23. Spiritual Instruction in Union Workhouses—Motion for a Select Committee 107

26. Catholic Priest—Explanation 271
Poles in Prussia—Question 272
Mr. R. O'Gorman—Explanation 273

March 1. Tenure of Land (Ireland) Commission—Question ... 433
Tahiti—Motion for the Production of Papers 434

4. Repeal Agitation (Ireland) 487
Slavery in Louisiana 491
Board of Charitable Bequests—System of National Education (Ireland)—Presentation of a Petition 492

5. Tenure of Land (Ireland) Commission—Questions ... 570

8. Expense of Prosecutions at Petty Sessions—Motion for the Production of Papers 690
Privy Council Appellate Jurisdiction—the Second Reading of the Bill 692

1844 — *Page*
March 11. Free Trade—Corn Law Agitation—Presentation of a Petition 781
Protection to Agriculture—Presentation of a Petition ... 795
Privy Council Appellate Jurisdiction Act Amendment Bill—Nomination of the Select Committee 796
New Houses of Parliament—Explanation 797
The Rev. Herbert Marsh—Question 798

12. Protection to Agriculture—Presentation of a Petition ... 841
Ecclesiastical Courts Bill—Questions 842
Buildings' Regulation Bill—Questions 844
Maynooth College—Motion for the production of Papers ... 845
15. Railways—Observations relating to a Petition 1060
The Rev. Herbert Marsh—Explanation 1061

18. Slavery in the United States—Explanation 1156
Three-and-a-half per Cents—The Second Reading of the Bill 1160
The Church (Ireland)—The Presentation of a Petition ... 1164

21. Three-and-a-half per Cent. Annuities Bill—Explanation ... 1308
Board of Charitable Bequests—(Ireland)—Presentation of Petitions 1311
Ecclesiastical Courts Bill—The Second Reading of the Bill... 1311

22. Corn Laws—Explanation 1360
Handloom Weavers—Presentation of a Petition ... 1364

25. Limitations of the Hours of Labour—Presentation of a Petition 1464
Suicide in a Poor Law Union Cell—Motion for the production of Papers 1473

26. Ecclesiastical Courts Bill—Committee 1538

28. State of Ireland—Explanation 1590
Ecclesiastical Courts Bill—Explanation 1593

29. Presbyterian Marriages (Ireland)—Motion for the re-appointment of the Select Committee 1597
Criminal Law—Explanation 1598
Distress in Limerick—Presentation of a Petition ... 1600
Stipendiary Magistracy (Ireland)—Explanation ... 1601
Juries in Ireland—Motion for the Production of Papers ... 1610

April 1. New Zealand—Presentation of a Petition 1674
Supplemental Treaty with China—Copy of Treaty laid before the House 1676
Commercial Relations with Turkey—Explanation ... 1677
Ecclesiastical Courts Bill—The Third Reading of the Bill ... 1683

2. Restrictions on Trade—The First Reading of a Bill ... 1742
Criminal Appeals—The First Reading of a Bill ... 1742
Fees to Justices' Clerks, &c.—Motion for the production of Papers 1743

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

Feb. 22. Tahiti—Question 23
State of Ireland—Adjourned Debate (Eighth Night) ... 23

23. Poor Law Amendment—Second Reading of the Bill ... 135
State of Ireland—Adjourned Debate (Ninth Night)—Division Lists, &c. 135

1844 Page

Feb. 26. Redress of Grievances—Supply—The Income Tax—Mr. S. Crawford's Motion for Postponing the consideration of the Estimates—Division Lists, &c. 276
Supply—Navy Estimates 303
Qui Tam Actions—Horse-racing Penalties 321

27. Poor Law (Ireland)—Question 325
Affray at Brighton—Question 326
Tahiti—The French Government—Question 327
New Poor Law—Question 328
Duelling—Question 329
Law Courts (Scotland)—Motion for Returns 330
Imprisonment of Don Carlos—Motion for an Address to Her Majesty 335
Dublin Protestant Operative Association—Motion for the Production of Papers—Division Lists, &c. 385
Horse-racing and Penalties—Qui Tam Actions—The Third Reading of the Bill—Division Lists, &c. 388

29. General Espartero—Explanation 393
Buildings of the Metropolis—Motion for Leave to bring in a Bill 393
Shipwrecks—Harbours of Refuge—Motion for an Address to Her Majesty 402
Steam Communication with America—Motion for a Select Committee 406
The Clontarf Proclamation—Colonel Rawdon's Resolution—Division Lists, &c. 411
Inclosure of Commons—Motion for Leave to bring in a Bill—The First Reading of the Bill 423
Prisons and Prison Discipline in Scotland—Motion for Leave to bring in a Bill—The First Reading of the Bill ... 432

March 1. State Trials (Ireland) The Witnesses—Motion for the production of a Return of all Moneys paid to Richard Bond Hughes and Others—Division Lists, &c. 436
Reform of the Representation—Stopping the Supplies—Amendment proposed by Mr. S. Crawford—Division Lists, &c. 464
Supply—Navy Estimates 468

4. Railway Committees—Report of Select Committee—Division Lists, &c. 516
Roman Catholic Charities—Questions 531
Poor Law (Ireland)—Question 531
Presbyterian Marriages—Question 532
Supply—Army Estimates—Mr. Williams's Motion, to refer the Estimates to a Select Committee—Motion afterwards withdrawn—Amendment proposed by Mr. S. Crawford ... 539

5. Parliamentary Agents—Standing Orders—Presentation of a Petition 581
Late Sittings—Mr. Williams's Motion that no Motion, if opposed, be brought on and discussed after Midnight ... 583
The Metropolitan Police—Mr. Tufnell's Motion for the Appointment of a Select Committee—Motion withdrawn ... 592
Division of Parishes (Scotland)—Motion for Leave to bring in a Bill 598

6. County Coroners Bill—House in Committee 599

7. Athlone Election—Report of Select Committee ... 601

1844 Page
March 7. Laws for Scotland—Question 601
Lord Ellenborough's Proclamation—Newspaper Despatch—Question 602
Commerce with France—Question 602
Quarter Sessions—Motion for Leave to bring in a Bill ... 603
Relations with the Brazils—Motion for an Address to Her Majesty 606

8. Committee on Railways—Mr. Hindley's Motion for permitting Members whose Constituents are locally interested in any competing lines of Railway, to sit upon Committees, without being allowed to Vote 720
Gwalior—Proclamation of Lord Ellenborough—Question ... 726
Consumption of Sugar—Question 727
Treaty with the Brazils—Question 728
Employment of Ships to collect Rates (Ireland)—Explanation 729
Reduction of the Three-and-a-half per Cent Stocks—House in Committee—Resolutions proposed by the Chancellor of the Exchequer 729
Blockade of the River Plata—Inquiry 755
Public Grievances — Stopping the Supplies — Explanation 760
Supply—Army Estimates—Duelling—House in Committee... 760
Supply—Ordnance Estimates 774

11. Reduction of the Three-and-a-half per Cent. Stocks—Report of the Committee 800
Supply—Duelling—Report of the Committee ... 801
Ionian Islands—Explanation 838
Conveyances — Roman Catholic Clergymen—Motion for Leave to bring in a Bill 839

12. Military Discipline—Duelling—Questions 861
Protective Duties—The Agricultural Interest—Motion for a Select Committee 862
Sugar Imported—Motion for a return of the quantity of Sugar consumed in each year, from 1830 to 1843 ... 963

13. Court of Arches Bill—The Second Reading of the Bill postponed 964
Inclosure of Commons—The Second Reading of the Bill ... 965
Masters and Servants Bill—Bill Committed 980
Clerks to Justices—Motion for a Select Committee ... 980
New South Wales—Motion for the Production of Papers ... 982

14. The Camden Town Duel—Explanation 990
The Affairs of Greece — Motion for the Production of Papers 990

Criminal Jurisdiction in the Levant—Motion for an Address to Her Majesty 1007
Duelling—Motion for Abolishing the present system ... 1016
Probate and Legacy Duties—Motion for a Committee of the whole House 1036
Postage Stamps—Motion relating to the Issue of Postage Free Stamped Paper, &c 1055
Land Tax Commissioners — The Second Reading of the Bill 1058
Irish Naval Officers—Motion for Returns 1059

1844 Page
March 15. Idolatry in India—Questions 1066
Exclusion of Roman Catholics from Juries—Question ... 1067
Railway Committee—Questions 1069
Clerks' Fees in Courts of Law—Explanation 1071
Hours of Labour in Factories—House in Committee—Amendment proposed by Lord Ashley on Clause 2 ... 1073

18. The Victoria Park—Question 1176
Law of Settlement—Removal of Irish Paupers—Questions 1176
Hours of Labour in Factories—House in Committee—Adjourned Debate on Lord Ashley's Amendment ... 1177
19. Grand Juries (Ireland)—Questions 1267
Hours of Labour in Factories—Question 1269
Commercial Treaties — Motion for an Address to Her Majesty 1270

20. Interment—Question 1304
County Coroners—Report brought up and Bill re-committed 1305
Masters and Servants—Bill re-committed 1306

21. State Prosecution (Ireland)—Presentation of a Petition ... 1352
West India Emigration—Question 155
Import Duties — Resolutions relating to, moved by Mr. Ewart 1356

22. Wrecks of the Nerbudda and Ann—Question ... 1367
The Army—Captain Brewster—Explanation ... 1369
Hours of Labour in Factories — House in Committee—Amendment proposed by Lord Ashley on Clause 8 ... 1371

25. Hours of Labour in Factories—Government Explanation—Order of the Day read—Committee postponed ... 1482
Poor Laws (Ireland)—Returns ordered on the 6th of February to be forthwith furnished 1525
Mutiny Bill—Question 1531
Marine Mutiny Bill—The Bill passed through Committee 1531
Controverted Elections—Motion for a Select Committee ... 1533

2. Toll on Lime (Wales)—Motion for leave to bring in a Bill 1545
Corn from the Colonies—Motion for a Committee of the whole House 1553
Rev. Dr. Morrison—Motion for a Committee of the whole House to consider an Address to Her Majesty ... 1576

27. Hours of Labour in Factories—Explanation ... 1588

Masters and Servants—Order of the Day—Explanation ... 1588

29. Naval Force—Poor Rates (Ireland)—Explanation ... 1616
Hours of Labour in Factories—Motion that the Order of the Day for going into Committee on the Factories Bill for the purpose of its being discharged, be read—Amendment proposed by Mr. T. S. Duncombe—Amendment negatived—Main Question agreed to—Order for Committing the Bill discharged—Bill Withdrawn 1617
Import Duties—Amendment proposed by Mr. Ewart ... 1647
Supply—The British Museum—House in Committee 1662
—Commissariat 1665
The New Factories Bill—Motion for leave to bring in a Bill—The first Reading of the Bill 1666
County Courts—Motion for leave to bring in a Bill—The First Reading of the Bill 1671

1844 Page
April 1. Magistrates' Clerks—Question 1691
East India Labourers in the West Indies 1692
Registration of Voters—Municipal Corporations (Ireland)—Motion for leave to bring in a Bill 1692
Judge of the Privy Council—Question 1726
Supply—Civil Contingencies—House in Committee ... 1731
Church Temporalities (Ireland)—Motion for leave to bring in a Bill 1739

2. Adjournment for the Holidays—Public Business—Explanation 1746
Chinese Treaty—Sir H. Pottinger—Copy of the Supplementary Treaty laid before the House 1753
The Law of Partnership—Motion for a Committee of the whole House 1754
University of Dublin—Motion for the Production of Papers 1758

III. Lists of Divisions.

The Ayes and the Noes on Lord John Russell's Motion for a Committee of the whole House, to take into consideration the State of Ireland 266

The Ayes and the Noes on Mr. S. Crawford's Motion, for Postponing the Consideration of the Estimates till after the Easter Recess 302

The Ayes and the Noes on Captain Bernal's Motion for the Production of a Copy of the Address, presented to the Lord Lieutenant of Ireland, by the "Dublin Protestant Operative Association and Reformation Society," with the Official Reply 387

The Ayes and the Noes on Mr. Christie's Motion for Postponing the Third Reading of the Horse-racing and Penalties' Bill 388

The Ayes and the Noes on Colonel Rawdon's Resolution respecting the lateness of the period at which the Clontarf Proclamation was issued 421

The Ayes and the Noes on Mr. T. Duncombe's Motion, for the Production of a Return of all Moneys paid to Richard Bond Hughes and others—State Trials (Ireland) ... 462

The Ayes and the Noes on Mr. S. Crawford's Amendment, respecting the Standing Army, previous to the House going into Committee of Supply on the Army Estimates 547

The Ayes and the Noes on Mr. Williams's Amendment for reducing the Army, in Committee of Supply on the Army Estimates 569

The Ayes and the Noes on Mr. Williams's Motion, respecting Late Sittings of the House 590

The Ayes and the Noes on Mr. Craven Berkeley's Amendment on Clause 20, of the County Coroners Bill ... 599

1844 Page

The Ayes and the Noes on Mr. Labouchere's Motion, for an Address to Her Majesty, for the adoption of Measures best calculated to improve the Commercial Relations between the United Kingdom and the Brazils 687

The Ayes and the Noes on Mr. Cobden's Motion, for a Select Committee to Inquire into the effects of Protective Duties on Imports upon the Interests of Tenant-farmers and Farm-labourers of this country 960

The Ayes and the Noes on Mr. S. Crawford's Motion, for Postponing the Second Reading of the Commons Inclosure Bill 979

The Ayes and the Noes on Lord Ashley's Amendment on Clause 2, of the Hours of Labour in Factories Bill ... 1263

The Ayes and the Noes on Mr. Scott's Amendment, on Clause 6 of the County Coroners Bill 1305

The Ayes and the Noes on Lord Ashley's Amendment, on Clause 8, of the Hours of Labour in Factories Bill ... 1460

The Ayes and Noes on Colonel Wood's Motion, for Exempting Lime from Toll in Wales 1552

The Ayes and the Noes on Mr. Hutt's Motion, respecting the Importation of Corn from British Possessions ... 1574

The Ayes and the Noes on Mr. Ewart's Amendment, respecting the Import Duties 1660

HANSARD'S

PARLIAMENTARY DEBATES,

In the *Fourth Session* of the *Fourteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*, appointed to meet 11 November, 1841, and from thence continued till 1 February, 1844, in the Seventh Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 22, 1844.

Minutes.] Bills. *Public.*—3ª. and passed:—Offences at Sea.

Petitions Presented. From Sherborne, against Repeal of the Corn-laws.

THE ISLAND OF TAHITI.] Lord *Brougham* said, that he was anxious to ask a question of his noble Friend the Secretary for Foreign Affairs, respecting an occurrence of great interest, which had been stated in the public papers to have taken place. He alluded to the occupation by the French of the Island of Tahiti. He was sure that his noble Friend would give him credit that nothing was further from his wish than to embarrass the Government on a subject which was most important to the preservation of the peace of the world, namely, our relations with France. He wished to know whether the event which he had alluded to had taken place, at least according to the accounts in the newspapers, and whether his noble Friend had received any intimation or communication from the French Government respecting the occupation of Tahiti by a French force? He did not wish to call upon his noble Friend to make any improper disclosures on the subject.

The Earl of *Aberdeen* believed that the statements which had appeared in the public papers were correct. He believed that it was perfectly true that a French naval force had taken military possession of the Island of Tahiti. He had heard of that event with great regret; but he was not in possession of any explanations of the French Government on the subject, as there had not been sufficient time to make communications and to receive an answer.

Lord *Brougham* agreed with his noble Friend in expressing the deepest regret at that event, which appeared most unadvised as long as it remained unexplained. He did not mean to say but that it might be explained. It might, perhaps, be disavowed by the French Government, but he could not conceal the deep feelings of regret when he saw what had occurred in the announcement of this occupation, feeling as he did the greatest admiration for that gallant nation—a nation so much to be admired for its many great military and civil qualities—and that they should have followed such a course as had been adopted on the present occasion. He considered that it was the deepest degradation to any party to adopt the tone which had been used by certain parties in France on this occasion. The persons who had resorted to the tone of expression to which he alluded were the enemies of peace, and more especially to the friendly relations subsisting between France and this country; such parties were bad friends to the honour and renown of the great nation to which he had alluded. The subject to which he alluded was the tone of exultation which had been adopted on the occupation of that Island, as if some great triumph had been achieved over this country in their taking possession of that small Island, which was inhabited by a race who had been justly and properly designated as the grown children—the defenceless children—of the South Sea Islands. It was not worthy of a great and gallant nation to make this a matter of boasting, which, in comparison of their former triumphs, must be regarded as nothing. Such a nation as France had need of no such laurels as it would acquire from such a proceeding, when it could boast of such victories as those of Marengo, and Austerlitz, and Eylau, and Jena, and Wagram, and other equally immortal victories which he could name. It was not worthy of such a people to boast of such a paltry acquisition as this. Those who made these boasts were not actuated by any love of French military glory in the eulogiums which they thus bestowed on this wretched acquisition. They did not care one straw for the glory of the French army. He, therefore, lamented that such language should have been used, and such arguments introduced, by any persons: but they had been resorted to by those whose only object was to work on the passions of an excitable people, so as to mar the prospects of peace, if that were possible; but he trusted that it would be impossible for any efforts of such persons as those to whom he had alluded to mar those prospects.

OFFENCES AT SEA BILL.] On the motion of Lord *Wharncliffe*, this Bill was read a third time and passed.

THE DEANERY OF DROMORE—THE REV. HOLT WARING.] Lord *Monteagle* wished to move for a Return relative to a subject which was alluded to in the course of the debate the other night, and he believed that there would be no objection to furnish the papers in question. He was, however, anxious to make some observations in explanation of the reasons which had induced him to bring the subject under the notice of the House. It would be in the recollection of those noble Lords who took part in the discussion last Session, respecting the appointment to the Arch-deaconry of Armagh, that the particular circumstances attending the exercise of the Prerogative in that appointment, were brought under the attention of the House. From what then took place it appeared to be the general opinion that the English Government was not responsible for that appointment. It was said you must deal with that appointment as having been made on the authority of the Irish Government, and for which they were responsible. In the course of the last Session he had pointed out, and it was not denied, that the recommendations of the Ecclesiastical Commissioners had been departed from in filling up this appointment to the Archdeaconry of Armagh. The Commissioners recommended that on any vacancy occurring in the Archdeaconry, that the two parishes constituting it should be separated, and that they should be bestowed in such a manner as to secure the residence of the Rector in each. The avoidance of that Archdeaconry was occasioned by the Government itself, which had appointed the clergyman holding this dignity to a Bishopric in Ireland; and they had, in his judgment, most improperly continued the union of the two parishes in favour of the gentleman whom they themselves had appointed to the vacant Archdeaconry of Armagh. It was true, that the recommendation of the Ecclesiastical Commissioners was given previous to the passing of the Church Temporalities Bill; therefore, at the time it was made, the resources of the union were larger than they were when the Government had to deal with the appointment in 1843. The value, however, of this piece of preferment amounted to 1,000*l.* a-year when it fell into the hands of the Government, and the recommendation of the Commissioners was, that on any vacancy arising, there should be two clergymen and two parishes. The Government passed over the recommendation of the Commissioners, and conferred this piece of preferment on one clergyman, by which arrangement they left the parish of Caledon, containing upwards of 2,000 members of the Church of England, without a resident clergyman. The defence made of that appointment by the noble Duke was, that it had taken place in consequence of the high character of the individual appointed, and of his peculiar adaptability to the situation in question. He would take this to be the case on the statement of the noble Duke. But if the defence of an appointment rested on the great capacity of any man for the office in question, it ought to be considered whether that was sufficient to justify a departure from the recommendation of the Commissioners. If this was to be the case, they had only to select a good and proper man for any appointment which the Ecclesiastical Commissioners wished to have abolished, and every one of the recommendations of the Commissioners might go for nothing. In that case, the excellence of the choice of the party was the only defence for the appointment; but would noble Lords opposite apply the same reason to the present case before the House. They, however, had been told a few nights ago, when allusion was made to this appointment, that it was merely honorary, and that peculiar circumstances called for it. When the case was first mentioned in that House the noble Lord, the President of the Council, said that the appointment of the Rev. Holt Waring to be Dean of Dromore was defended on this ground, that there were no emoluments annexed to the Deanery. Although this statement was made to his surprise, being at variance with the only information before Parliament, he confessed that he did not think it any thing extraordinary that the noble Lord might have been misinformed on the subject, and he was anxious that all doubt on the matter should be cleared up by the production of the Papers which he now intended to call for. If the noble Lord was correct in his information as to the reasons for this appointment, the reasoning in defence of the appointment of last year could not be applied to the present case. The latter appointment could hardly be justified on the grounds of the merits of the individual upon whom it was bestowed, for it was on this ground only, that the Archdeaconry with the united parishes, producing 1,000*l.* a-year, was conferred on Mr. Stokes, in direct opposition to the recommendations of the Ecclesiastical Commissioners. It should be recollected, that the state of these parishes was first brought under the attention of Parliament by the Ecclesiastical Commissioners appointed by the noble Duke when he was at the head of a former Government, and the report of which Commission was laid before Parliament in 1831. He knew not what alteration had been made since, as regarded the emoluments connected with the Deanery of Dromore, but he found a description of that Church Dignity in the report of the Commissioners. It appeared, that it comprised a union of six parishes, which were sixteen miles by nine miles in extent. In each of these parishes was a church, and also in each parish resided a considerable number of Protestants, who were members of the Established Church. In each parish, also, there was a resident vicar, who received the vicarial tithes, while the rectorial tithes constituted the emoluments of the Deanery. He did not know the exact amount of the emoluments thus received, but he found that the tithes of one of these parishes was 250*l.* a-year, independent of the vicarial tithes. If the same thing applied to the other parishes constituting the union when the report was made in 1831, it was clear that the Deanery of Dromore was at that period a profitable benefice. Undoubtedly, it was quite certain, that in 1831 the rectorial tithes went to the Dean of Dromore. The recommendation of the Commissioners was, that on a vacancy occurring in the Deanery a severance of the union should take place, and that the revenues arising from the parish, five miles long and four miles broad, should constitute the emolument of the Deanery of Dromore. It appeared from the report that the revenue of this parish was 497*l.*, or 500*l.* a-year, derived from tithes. Now, he wished to know whether there had been any diminution of the revenue derived from those parishes since that time. According to the recommendations of the Commissioners there was to be a severance of this union, and the tithes of one parish, the amount of which he had just stated, was to constitute the future emoluments of the holder for the time being of the Deanery. He, therefore, inferred from this Report that the communication that had been made by the noble Lord, alleging that there were no emoluments annexed to the Deanery of Dromore, was erroneous. He (Lord Monteagle) was not affirming that he was necessarily right as to the facts of the case, as he could only draw his information from the Reports of the Commissioners which were before the House. If there had been no severance of the union the emoluments of the benefice must be large, but even if the emoluments of the Deanery had been reduced as recommended, were only the tithes of a single parish, the result would be, that since the passing of the Church Temporalities Act the revenue would not be reduced below 500*l.* a-year. He could not, therefore, understand how it could be asserted that the Deanery of Dromore was a benefice without emolument. He trusted, however, that a benefice of such high dignity in the Church would not be held valueless, whether there were emoluments or not annexed to it. He would now proceed to advert to the manner in which this benefice had been filled up. In the selection of a person to be appointed to the Archdeaconry of Armagh, they had been told that the step that had been taken was justified from the circumstance that the person was not in any way a political character, and that he was, from his acquirements and qualities eminently fitted for that office. This was the ground on which the noble Lord rested to justify this appointment, which was made directly contrary to the recommendation of the Commissioners. Now, he begged noble Lords to consider what were the inducements to the appointment to the benefice which he was now alluding to. It was immaterial for his argument whether this dignity was accompanied with emoluments — whether it possessed considerable emoluments, and involved the performance of duties, or whether it was a sinecure without emoluments—when he regarded the manner in which it had been filled. He was not desirous of laying down any fanciful standard as to the selection for a Church appointment, nor would he go back to remote periods to search into the character or conduct of those who were named to stations of authority in the Church. He should not make a complaint on any abstract ground, but he did complain of Her Majesty's Ministers, that they were acting in this case against their own declarations as to the mode in which they meant to act in their distribution of Church patronage in Ireland. For these good intentions, they claimed credit as evidence of the honourable and impartial disposition of the Government. The extract which he was about to read was written by the right hon. Baronet at the head of the Government on the subject of Church patronage. The letter was dated the 14th of September, 1841, and was addressed to the Lord Lieutenant of Ireland. That right hon. Gentleman observed,—

> "Let it be understood, that in respect to the Church preferments, you will act on your own sense of duty, and on the result of your own inquiries; and if that sense of duty prompts you to prefer the claims of professional merit, let your inquiries be directed to the ascertainment of those claims."

The general purport of the letter was obviously to give to the Lord-Lieutenant the unrestrained power of selecting for the objects of his Church patronage in Ireland persons, the most deserving from their virtues and their acquirements. The next paragraph proceeded,—

> "It is absolutely necessary, for the best interests of Church and State, that the patronage of the Irish Church should be applied on such principles. I will willingly forego any Parliamentary support which will only be conciliated by the disregard of those principles; though, indeed, the fact is, that if such considerations are to be attended to, the interests of the Government are, on the long run, much better promoted by the honest exercise of patronage, than by administering it to favour individual supporters."

He thought that the general import of these suggestions would not be objected to by any of his noble Friends; on the contrary, that they would meet with their approbation. The letter to which he alluded, was read in a discussion in the House of Commons, and therefore might be regarded as a public document; certainly if it could be viewed as a private letter, he would not have read it, or allowed it to influence him. It appeared from the first observation in this letter, that the responsibility and the patronage of these appointments were transferred from the Home Government in Downing-street to the Irish Government, and the power was given to the Lord-Lieutenant to make such appointments as corresponded with the principles laid down in this letter. How did it appear that the ecclesiastical appointment now under consideration could be defended on the ground, that it was in conformity with Sir R. Peel's letter? Could there be any doubt that the ecclesiastical appointments to high stations in Ireland were matters of great and serious importance at the present time in Ireland? His noble Friend near him (the Marquess of Normanby) could refer with satisfaction to the ecclesiastical appointments made by him while at the head of the Government of Ireland, for he was enabled to challenge public opinion, and even the judgment of his political opponents, as to the propriety of the ecclesiastical appointments made by him. He believed that no doubt had ever been entertained or expressed as to the excellence of his appointments to high dignities in the Church, or even insinuate that they had not been bestowed on those in the highest degree qualified to fill them. He said this with confidence, for he knew that noble Lords opposite would not have abstained from complaint, had an opportunity been afforded. He was sure that it must be in the recollection of noble Lords, that even the appointment of Justices in a corporate town, and the nomination of Registrar of Births and Marriages, had been made a matter of charge and accusation against the late Government. It was clear, that Her Majesty's present Ministers were fully aware of how much importance it was to exercise the greatest caution in their appointments to the high ecclesiastical dignities in Ireland; but let the House now consider who the gentleman was who was recently selected to fill an office of great dignity in the Church—the Deanery of Dromore—possessing either large emoluments, or being only an honorary appointment, he cared not which — but which was a station next in rank to that of a Bishop in the Church. The noble Lord (Lord Wharncliffe), on a former occasion, when the subject of this appointment was alluded to, and when a noble Friend of his referred to an exhibition of conduct on the part of this dignitary which, on the part of a clergyman, was not of a very seemly kind or character, stated, that the newspaper paragraph, from which the description of the proceedings had been taken, was grossly exaggerated. Now he (Lord Monteagle) would refer to no newspaper paragraph to no report of a hostile character respecting this gentleman, but he would refer to the evidence which the reverend gentleman himself gave on oath before a Committee of that House. He should like to know what noble Lords opposite, who were parties to this appointment, thought of such evidence? It appeared, that in the year 1825, the most serious inquiry that had ever been entered into as to the state of Ireland was undertaken by Parliament, and this at a period when Lord Liverpool was at the head of the Government in England, and Lord Wellesley was Lord-Lieutenant of Ireland — the investigation before that Committee lasted a considerable time, and persons of all classes, and drawn from all parts of the country, and of every shade of political opinion and of religious belief, were brought before the Committee and examined on oath. The Rev. Holt Waring was brought before this Committee, and examined on oath. He was asked in 1825,

"How long were you a member of the Orange Society?—Since 1798. Have you held any office under the Society?—I have. What office?—I undertook the office of Secretary. Did you hold any other office in the Society?—No, except chaplain. Have you ever been present at the procession of Orangemen?—I have."

The witness was then asked what remedial measures he would recommend for the state of Ireland. The witness proceeded to recommend that the Roman Catholics should be deprived of the Elective Franchise, and that the Act of 1793 should be repealed.

"This might conduce, that is, it might tend towards tranquillity, but I believe would not accomplish it at the present time. It would give confidence and satisfaction to the Protestants of Ireland, and would have very little bad effect on the Roman Catholics, who are already in opposition to the Government, and are desirous to separate England from Ireland, as we have reason to suppose; and who are bound, as was lately exposed on public trials in Dublin, to the extirpation of the Protestant religion out of Ireland; therefore, I think it would not altogether accomplish tranquillity, it would make us better, and them no worse."

Now, he would ask the House to consider the character of this evidence, and whether it could be listened to without feelings of mingled astonishment and regret. The next question elicited a still more extraordinary answer. He was asked,

"On what ground do you consider the

Roman Catholics in opposition to the Government?—Their being almost universally bound together by oaths of a treasonable nature, and having been convicted of acting up to their oaths in every instance that they have been tried for it."

Here was a charge brought against the Catholics of Ireland, according to which they not only were opposed to the Government of the day, but that they were charged as engaged in attempts to form conspiracies for the extirpation of the Protestants of Ireland. Such was the evidence of the Rev. Holt Waring, whom the present Government had selected of their own accord to fill a dignified office in the Church, and to perform the ecclesiastical functions as Dean of Dromore in the present day. He found also in the Papers which were on the Table respecting Orange Lodges, that in 1833 and 1834, the name of the Rev. Holt Waring appeared as Grand Chaplain to the Orange Society of Ireland. It should be remembered that the Orange Society, the members of which took secret oaths, was given up when the Act of Parliament was passed enacting that all oaths taken in secret societies rendered them illegal. The Orange Society, therefore, gave up their illegal oaths, but instead thereof they substituted solemn declarations, and subsequent to this, and at the present time, to make matters more serious, an attempt was made to reconstruct the system of Orange Lodges in the north of Ireland. [Lord *Wharncliffe:* "When did that appear?"] He saw the announcement in the public prints, and he believed that it was the case. This Mr. Holt Waring, a man of large fortune and influence, had been appointed to this high ecclesiastical dignity, just at the time when an attempt was made to revive the Orange Lodges in the North of Ireland. He admitted, however, that at the time when attempts were some years since made to get up Orange processions in the North of Ireland, the Rev. Holt Waring interfered to prevent the placing Orange emblems on the church of which he was the Rector, and to prevent the desecration of the church. That rev. Gentleman succeeded in this, but did not do more. [Lord *Wharncliffe:* "When was that?"] About two or three years ago. What he wanted to know in the first place was, whether it was a fact that this was an appointment without emolument; and he should also like to know whether the ground which justified the selection of the Rev. Holt Waring to the Deanery of Dromore was the decorum of his conduct, or his peculiar fitness for the office to which he had been appointed. As to Members of Orange Societies—there could be no question that they were illegal—the man taking the oath, and the man administering it, were both guilty of an illegal act, for which they might have been indicted, if there had been evidence of it; and here the Government had selected as an object of especial favour for promotion in the Church of Ireland a man who was a great dignitary in that illegal association from the year 1798 to 1825, and a Gentleman who gave the evidence to which he had referred, and of which the Members of the Government ought to have been aware at the time the appointment was made, the evidence in which he spoke of the Roman Catholics having been bound together by oaths of a treasonable character and having been convicted of acting up to those oaths on every occasion when they had been tried. If men of that description were to be made objects of preference by the Crown, if they were to be made depositories of the favour of the Crown, and, above all, were selected for Church patronage, it was in vain to consider that the principles laid down by Sir Robert Peel's measure were carried practically into effect, which set forth the principle of abandonment of all political motive, and the selection of persons for appointments in the Church for professional merit and piety alone. What was the ground of the selection of the Gentlemen here referred to? would it be justified on these grounds, or on the ground that he was a very rich man? This appointment appeared to him a departure from the principle laid down by the head of the Government, by the selection of a man for high Church preferment who was known as a violent partizan, and whose evidence was, in fact, that he had preferred an indictment on oath against the great mass of the people by whom he was surrounded. In conclusion he would beg to move for a Return of the parishes constituting the Deanery of Dromore, as laid before the Commissioners in 1830, and a copy of any orders which might have been subsequently issued, altering the nature of the preferment, and showing exactly what it now is.

The Earl of *Ripon* was not about to object to the Motion which his noble Friend had made. It was very proper that their Lordships should be put in possession of the information he claimed; but as he had prefaced his Motion by remarks of a criminatory character, he felt called upon to make a few observations. He had no intention of going into the question of the Archdeaconry of Armagh. He had stated last year what appeared to him sufficient grounds for the steps which had been taken. He was by no means clear whether he could then recollect all the circumstances of the case as they were communicated to him, and by him to the House; but with regard to this particular appointment of the Rev. Holt Waring to the Deanery of Dromore, he knew that the noble Lord was entirely mistaken in some most important and material facts on which he seemed to have relied. He (Lord Monteagle) entertained considerable doubt whether this was a dignity without any emolument, but he (the Earl of Ripon) begged to repeat that it was not only a dignity without any emolument, but it could not be so by law. His noble Friend had referred to certain documents laid before the House, but he would state how the facts stood subsequent to that period; but of course he could not find fault with the noble Lord for not knowing what he was about to state. The noble Lord was mistaken if he supposed that what had been done was confined to the suggestion made by the Commissioners. In 1834 an Act was passed, to which he had not adverted, to amend the Church Temporalities Act, and a clause in that Act directed that in case of a vacancy of the Deanery of Dromore, or any other dignity below that of Archbishop or Bishop, it should be competent for the Ecclesiastical Commissioners to recommend to the Lord Lieutenant and Privy Council to suspend the appointment of any such dignitary, if they thought fit; and it might be competent for the Lord Lieutenant and the Privy Council to give effect to such recommendation; and it was provided further, that, during the time of such Deanery being suspended, all profits derived from it should be applied to the purposes of the Ecclesiastical Commission. But the next clause proceeded to state, that after such a suspension of an appointment had taken place, if it should seem fit to the Lord Lieutenant, or the necessary authorities, whoever they might be, to remove the suspension, it should be competent for them to do so, provided all tithes and emoluments were dissevered from the dignity to be conferred. So that the Act of Parliament made it impossible that this Deanery, conferred on Mr. Holt Waring, could carry with it any emolument whatever. Now, what was the course taken with respect to this Deanery? Under the law to which he had referred it appeared that, in the year 1837, the Ecclesiastical Commissioners recommended the suspension of the appointment to the Deanery, by an instrument dated the 18th of April in that year. There being then a vacancy in the Deanery, the Lord Primate submitted to the Commission that the rectorial tithes of the six parishes constituting the cure of the Deanery should be disappropriated, and applied to augment the vicarages in the same parishes. Both these recommendations were submitted to the Privy Council, who reported that, finding that certain matters over which his Grace the Lord Primate had no control, and which were necessary to precede the final adjustment of his Grace's plan, remained undone, and that the composition ending with the year 1837 had become due and payable, they recommended that the appointment to the said Deanery should be suspended until the Lord Lieutenant and Privy Council should think fit otherwise to direct. An order was made for the suspension, dated 22nd December, 1837. The subject was again brought forward before the Privy Council on the 25th of May, 1838, when they reported that the objection to the adoption of the plan proposed by the Lord Primate had, since their report, been removed, and they accordingly recommended that the suspension should be removed, and all the rectorial tithes of the Deanery should be severed therefrom, and united to the vicarages of the six parishes forming the cure. An order was accordingly made to remove the suspension, dated the 9th of October, 1838, and a further order was made of the same date, disappropriating the revenues, and appropriating them otherwise; so that all these emoluments were dissevered from the dignity, and the gentleman who now held it could derive no possible emolument from it whatever. That would appear in the Papers for which the noble Lord had moved. Now the noble Lord next went into the question of the personal character of this gentleman, and he read extracts from evidence given by him in the year 1825, nineteen years ago. His noble Friend had doubtless an exceedingly accurate memory and a very scrutinising eye, and he had had the good fortune, for his own purpose, to pick out of that evidence what had been stated by that gentleman, which he had not the slightest recollection of, although he read the evidence given at the time: and, in fact, he did not recollect that he had ever been examined at all. At all events, the expressions were used nineteen years ago; and he thought if their Lordships were all to be tried by the opinions which they had expressed at such a distant period, they would come off very indifferently. He had no doubt he (the Earl of Ripon) had said very many foolish things in his time, and he should not like to be tried by such a standard, and which, he thought, ought not to be sanctioned for the purpose of throwing odium on the character of this gentleman. But how came this gentleman to be appointed to this office? What induced the Lord Lieutenant to confer the appointment on him? It was a recommendation, or memorial, addressed to the Lords Justices, in August, 1842, a year before the agitation had reached its highest point. Now, his noble Friend tried to connect this matter with what had been going on very recently. He said, what a time, when Ireland was almost in a state of rebellion, to show to the Catholics, by such an appointment, the spirit by which you are actuated towards them. But his noble Friend must remember that this appointment was made in 1842, before the Repeal Agitation had become so great. But, further, a recommendation was made to the Lord Lieutenant, pointing out that it was desirable that a person should be appointed to perform whatever duties there were as connected with this Deanery; and the Chapter, the Canons, or whatever they might be, they all united in recommending this Gentleman, on the ground that he was the oldest beneficed clergyman in the whole district. This was not a reason that indicated a desire for Parliamentary support; but this was reported by the Bishop of the Diocese, who confirmed and recommended it; and after due consideration this Gentleman was appointed to this empty honour —empty, at least, as far as it concerned the emoluments. The Lord Lieutenant was bound also to consider who was likely to take it, for it was not everybody who would do so—but Mr. Holt Waring resided in the neighbourhood. If they had taken a poor man, however respectable, from a distant part of the country, and placed him in that dignity, how could he reside there? He ventured to say, that if his noble relative had hunted about for some one else, he would have found some difficulty in getting anybody to take it; and if he (the Earl of Ripon) was not misinformed, his noble relative's predecessor did offer the dignity to an individual who would not take it. But one word as to the Resolution of Parliament with reference to Orange Societies. It was only a Resolution, but certainly a most important one, and he was not sure whether it was not laid before His Majesty; but he had stated, and he would adhere to that conviction, that the conduct of this Mr. Waring, a zealous and eager man, if they pleased, and full of prejudices; but his conduct, as he (the Earl of Ripon) had been informed by a person who lived in his neighbourhood, and who was a Member of that House, was most praiseworthy, for he exerted all his influence and power, and it was great, to induce his friends, neighbours, and dependents, many of whom were poor, ignorant, and full of the most vehement feelings by which those Societies were actuated—he exerted himself, he (the Earl of Ripon) said, in the most earnest manner to induce them to pay willing obedience to the Resolution of Parliament; and, in conclusion, he would say, that a man who had thus sacrificed all his feelings, and made atonement for the past, was not to be reproached as undeserving of the confidence of the Government.

The Marquess of *Normanby* said, he was not aware that his noble Friend intended to do more than move for the Papers. If he had seen him before, he should have borne testimony to the accuracy of that part of the statement of his noble Friend opposite, with reference to the transactions of 1837 and 1838, as to the Deanery of Dromore. He had before stated, that he thought the appointment had been very improperly conferred on Mr. Holt Waring. His noble Friend opposite stated that the evidence which had been quoted by his noble Friend behind him was given nearly twenty years ago, and persons changed their opinions in that time. Some did, but others did not. But that the opinion of Mr. Holt Waring had not been lately taken up by him, he thought was sufficiently evident from his own statement at the time, when he said that he had been twenty-seven years a member of an Orange Lodge. Then with reference to the continuance of the sentiments he had expressed, he must say, that a much stronger objection to his appointment arose from his unbecoming conduct as a clergyman in taking a large body of men, marching in military array, to a public meeting, the object of which was not to uphold the Union between the two countries, but by an exhibition of force to awe the Executive Government of the country. But the noble Earl said it was difficult to find any one to perform the duties of this office; why the Deanery of Dromore was an absolute sinecure. Then what was it after all but another instance, which he mentioned with much regret, of that conduct which had been most unfortunate and impolitic with reference to the Government of Ireland, which was giving all the dignities and honours of the Church to the most zealous partizans that could be found. Whatever respect he might have for the Gentlemen whom the Government had elevated to the Bench, he must say, that whilst persons hostile to the Educational System filled that dignified position, and whilst all the Church patronage in Ireland was given in that direction, it was impossible for the Government ever to convince the great masses of the population there, that they were sincere in their professions, and would give all due support and countenance to the Educational System of Ireland. He thought it necessary to say a few words with reference to the appointment of Mr. Holt Waring; he would, however, add, that when Parliament intimated their desire that the Orange Societies should cease, he was quite aware that Mr. Waring had taken the step which his noble Friend opposite had referred to. By this improper appointment the name of Mr. Waring was brought before the public, and he had been always distinguished for his prejudices. The noble Earl, not then in his place, the Master of the Orange Lodges, had taken the same step as that which Mr. Waring had been praised for, but noble Lords opposite would hardly think it right, he presumed, to appoint to any important office, a Nobleman who had exhibited such strong party feeling.

Lord *Wharncliffe* said the noble Lord who had made the Motion had fortified it by bringing forward evidence of what Mr. Waring had said many years ago; but he would put it to the noble Marquess and the noble Lord whether they thought the raking up of these matters for many years was the way to tranquillize Ireland, or induce persons who had held strong opinions in the course of their lives to behave as he (Lord Wharncliffe) thought they ought to do towards their fellow-countrymen. They had arrived at a time when he thought it would be better to forget all these things. The noble Lord had alluded to the appointment of Law-officers, which, he said, he thought was improper. He (Lord Wharncliffe) thought that at the time the answer given to that objection was perfectly good —that it was no reason why, if four or five years before a gentleman had been a member of the Precursor, or any other political society, he should be excluded from promotion in his profession: and he would say so in this case, that it was not a reason for excluding this gentleman because twenty years ago he had had strong feelings, when many people not only in Ireland, but in this country, had also—for we were then in the midst of a great struggle with Ireland. He would repeat that it was not fair to adduce these things as proofs and reasons why a clergyman who might in other respects be perfectly fit for his office, should not be honoured by such an appointment as that which had been conferred upon him. If the noble Lord had brought a case against the Government of the conduct of this gentleman of late years, it might be different; but merely because ten years ago he appeared at the head of his parishioners, or that twenty years ago he gave the evidence spoken of, when he had since shown a desire to disband the Orange Societies, he thought it was not right to impugn his conduct now.

Lord *Campbell* said, that in his humble opinion his noble Friend was justified in bringing forward this matter and well justified in introducing the topics which he had alluded to. The noble Lord the President of the Board of Trade said, that the appointment took place in 1842, when there was no agitation. [The Earl of *Ripon* dissented.] When there was little agitation. [The Earl of *Ripon*: "No, No."] Well, then, he said the appointment was not recent, when the Repeal agitation was at its height, but in 1842, when there was but little agitation. Why had they the agitation now? It was from such appointments being made. [*"Oh, Oh," and Laughter from the Ministerial Benches.*] Noble Lords might try to treat this with ridicule, but he believed it was the opinion of a large portion of the public body, that by such appointments all hope was taken away from the Catholic community, that their just rights would be attended to, and it was from such causes that they had been induced to join in the Repeal agitation to such an extent as to bring the Empire into its present state of peril. His noble Friend had proved, that in the year 1825, Mr. Holt Waring expressed sentiments against the Roman Catholic body, as a body, of the most offensive description; and what evidence was there that he had ever retracted those sentiments? In the year 1834 he certainly had not, for it was then he headed the procession which it had been stated was an attempt to overawe the Executive of the country, after which it appeared, that he discouraged the Orange Lodges; but that did not show that he had altered his principles with regard to the Catholic body. Did he show any charity towards them as fellow Christians, that he respected their rights, and was willing to live in peace and tranquillity with them; and that he fostered those feelings that ought to prevail among all persuasions of Christians. There had been nothing to show that his opinions in these respects had been altered. If that were so could this be called a proper appointment in 1842, when the new Government had been installed into office when they had Ireland handed over to them in a state of peace and tranquillity—when it was to be seen if they would follow up the course that had been pursued—whether the practical enjoyment of equal rights for six years was to be continued? That there was no emolument belonging to this office had been proved; but it was an honour, a distinction meant to express the favour of the Crown, and the Executive Government of the time to this individual; and in that point of view it must be considered by all the Roman Catholic population of Ireland.

The Duke of *Wellington* said, he begged to call the attention of their Lordships to one circumstance. This gentleman was recommended for the appointment by the Chapter in August 1842, who petitioned the Lords Justices to give them the advantage of having a Dean added to their body. This petition was presented to the Lord Lieutenant by the lord Bishop of the diocese—so there were the Bishop and Chapter concurring in recommending that this appointment should be made, and that the appointment should be conferred on this gentleman. All this, however, material as it was, had been entirely left out of the case, as stated by the noble Lord, and had been inadequately brought forward, as he thought by his noble Friend. It was thought necessary to run this gentleman down on account of what he had stated in evidence nineteen years ago; but that fact was totally left out of the case, although it was distinctly stated by his noble Friend. It was in consequence of that recommendation that the appointment was made, and he thought it was perfectly justifiable.

The Marquess of *Westmeath* said, that when this subject was introduced, in the general debate, he was surprised; but he was not so much astonished that it was now brought forward as a party Motion to create effect out of doors. Could anything be so unfair? He felt it as having been a resident in Ireland, for he was convinced that this matter would be felt by every one at his fireside. A statement that appointments were made for the purpose of insulting a large class of Her Majesty's subjects was injurious to the peace of every family who wished to live securely under the Government. It was not his wish to defend the Government in this matter—they did not want his assistance—but as an honest country gentleman he felt it right to address a few observations to their Lordships. What could be more unfair than to have read this evidence given four years before the Emancipation Act passed, at a period when most parties in Ireland had forgotten their cause of disagreement? A new series of events had taken place, and the dates should have been taken up from a later period. Nothing but the most unhandsome conduct could induce any one to rake up evidence which was given when Orangemen did feel that they were the best defenders of the country. The noble and learned Lord who last addressed the House went to the extent of saying, that this appointment had been considered an insult by all the Roman Catholics of the country who had been agitating the subject of Repeal. He had no doubt he had read the reports of their proceedings at their debating societies as closely as the noble and learned Lord, and he did not recollect having seen that the appointment of Mr. Waring was given as a reason for causing a separation of the two countries.

The observations which had been made on that side of the House would stamp upon the proceeding the character and feeling which had dictated it, and the manner in which it ought to be received in Ireland. Was it on account of emolument? In what position did the noble Lord himself stand? When he was in office, a gentleman prominent in politics was appointed to a patent place—a situation his physical powers did not enable him to fill. The noble Lord thought the right hon. Gentleman might not outlive the Government of which he was a Member. But what happened? A pension was procured for that right hon. Gentleman, and the noble Lord got his place in time to have a pension himself of 2,000*l.* a-year. If this were true, he could not help telling him that the words "Holt Waring" would hang as well under a sinecure Deanery, as those of "Spring Rice" under a pension and a peerage.

Lord *Monteagle* said, after the remarks which had been made upon his Motion, he would merely trouble their Lordships with a few observations. He would not make any reply on a subject of a personal nature, which certainly had no kind of connection with the question before the House; and he would deal with that question utterly unconcerned, without using any unparliamentary terms, at what had been introduced. He denied altogether that he could be charged with bringing this case forward: he had only referred to the rules of the distribution of Church patronage laid down by the Premier, and had applied those rules to the present appointments. The noble Lord, the President of the Board of Trade, would have had it believed that the Chapter being incomplete for the performance of its functions, wished it to have it completed by having a Dean; but no duties are required; it was a mere sinecure—an appointment which was a matter of personal distinction, intimating the approval of the Government for the conduct of the individual. His object in bringing forward the case was not adverse to Mr. Holt Waring: he only desired that the Government should justify the appointment. They were informed that there was no emolument attached to the Deanery; but there was a recommendation of the Commissioners, which went to attaching a living to the Deanery, and he had doubts whether, in point of law, if that living fell in, the Dean would not be entitled to it.

The Duke of *Richmond* did not wish to take part in the debate, but he certainly felt that expressions of rather too strong a nature, and of too personal a character, had fallen from his noble Friend on his left (the Marquess of Westmeath). He did not at the time rise to order, because he found, from experience, that when noble Lords were angry, rising to order often made them more angry still; and upon this point, he thought that a late occasion had shown that the House had reason so to think. He would ask noble Lords, however, whether it was consistent with the dignity of the House, whether it was right, whether the country would look up to them with that respect they had hitherto done, if they did not do their utmost to keep their tempers, and not to sanction the use of personal language. He did not call upon his noble Friend to do more than he would do if left to his own feelings; but if his noble Friend asked his opinion, he would say that he did, in the heat of debate, use expressions which were not strictly in order.

The Marquess of *Westmeath*, called upon as he was by the noble Duke in so handsome a manner, would not be the person to persist in disorderly conduct. He had felt strongly when he had used the expressions; and if their Lordships thought them disorderly—and the noble Duke was an excellent interpreter of order—he had no objection to say that he had been disorderly, and had exceeded the bounds of fair discussion in what had fallen from him.

Motion agreed to. House adjourned.

HOUSE OF COMMONS,

Thursday, February 22, 1844.

MINUTES.] ELECTION PETITIONS.—Of Henry Knight, and Paul Anstie, complaining of Devizes Election.

BILLS. *Public.*—1°. Court of Arches; Marriage and Divorce.

PETITIONS PRESENTED. From Lancaster Union, for Alteration of Bastardy Clauses.—From Newcastle, and North Shields Railway, for Exemption of Low Class Fares from Duty.—By Mr. W. Williams, from Joseph Clark, and Guisborough, against Increase in Military Establishments.—By Sir R. Inglis, from Belfast, against State Provision for Roman Catholic Clergy.—From Rev. W. J. Palmer, for Amendment of Parochial Assessments Act.—From Theed Pearse, for Remuneration.—From Llansaintffraid Glyn Ceriog, against Union of Sees of St. Asaph and Bangor.—From Tewkesbury, respecting the Poor Law.—From Samuel Gordon, for Redress.—From Pontefract, respecting Window Tax on Licensed Victuallers.—By Mr. Wallace, from Glasgow, Lanark, Renfrew, and Stirling, and from Eastwood, to Extend the Factories Act to Bleach-works.—By Mr. M. Gibson, from Dockhead, Bermondsey, against Horse Racing Penalties Bill.

TAHITI.] Sir *G. Grey* said, that since the question which had been put on a former evening to the Government, with reference to the condition of Tahiti, there had appeared a statement in the French and English newspapers, that that Island had been taken possession of by the French Admiral in those seas, and that the native Queen had been compelled to take refuge on board a British ship. He wished to know whether Government had received any information on the subject, and, if so, whether they would lay it before the House.

Sir *R. Peel* said, that when the question referred to was put the other evening, he had stated with the utmost truth, that he had no information on the subject. The account of the transaction, however, appeared the next day in the public papers, and since, by a vessel arrived from Tahiti, probably the same which brought the published account, Government had received despatches from the British authorities at the Island. The information he had received went to show that the accounts referred to by the right hon. Gentleman were correct. He believed it to be the case, that the French Admiral in those seas had taken possession of Tahiti. All he could at present say on the subject was, that he deeply regretted what had taken place. At the same time, he had no reason to believe that the course pursued had had the previous sanction of, or was in consequence of any instructions from the French Government. He had had no opportunity as yet of communicating with the French Government on the subject, and under these circumstances, he was sure the right hon. Gentleman and the House would think he was exercising the soundest discretion in abstaining from making any further reference to the matter at present, and he would at the same time venture to deprecate discussion on the subject on the part of other Members. At a future time, when they had fuller information, they would have ample opportunity for taking the affair into consideration.

STATE OF IRELAND — ADJOURNED DEBATE (EIGHTH NIGHT).] Mr. *Maurice O'Connell* would promise the right hon. Gentleman, and the House, that he would not detain them long. He proposed to confine himself to meeting certain statements which had been made on the preceding evening by the right hon. and learned Attorney General for Ireland. That right hon. and learned Gentleman, in the beginning of his speech, had thought proper to taunt the traversers as to their conduct in reference to the reporter, Mr. Bond Hughes. He (Mr. M. O'Connell) could not but think that when the right hon. and learned Gentleman made his statement with reference to Mr. Bond Hughes, he had but a very limited recollection of the facts of the matter. The case as regarded that person stood just thus. Mr. Bond Hughes laid an information, that at a certain meeting at Mullaghmast, he saw Mr. Barrett present, and that Mr. Barrett addressed the meeting. Let this be admitted. He further swore, that on a subsequent occasion he saw Mr. Barrett at a meeting in Abbey-street, and immediately after the Proclamation which prevented the Clontarf meeting, also at a dinner held at the Rotunda, at which, he believed it was further said by Mr. Bond Hughes, that Mr. Barrett spoke. Now, when at a later day, the traversers attended at the chambers of Mr. Justice Burton, amongst those there present, on the part of the Crown, was Mr. Bond Hughes, who attended for the purpose of correcting an error he had made as to the Christian name of one of the traversers. He there saw Mr. Barrett for the second time, and after seeing him, as he stated in his evidence two months afterwards, which was the first the traversers heard of the correction, he became aware that he had made a mistake in stating Mr. Barrett to have been present at the Abbey-street meeting, and at the Rotunda meeting. This, he stated at the time to Mr. Kemmis's head clerk, in the presence of Mr. Kemmis; but nothing was done in consequence. When a summons was served on Mr. Bond Hughes to answer the complaint of wilful and corrupt perjury, Mr. Kemmis appeared for him to oppose the informations, but he never made any allusion on that occasion to the statement which Mr. Hughes had made, namely, that he had made a mistake, and Mr. Kemmis thus allowed Mr. Hughes to remain under the imputation of wilful and corrupt perjury. On the fourth or fifth day of term, a *mandamus* was applied for at the Court of Queen's Bench, to compel the Police Magistrates to take informations for perjury against Mr. Hughes, and although that motion was opposed, yet no allusion was made to the mistake that Mr. Hughes admitted he had made. Now, he thought one could not entirely acquit Mr. Bond Hughes for allowing so grave a charge as perjury to hang over him, when it was obviously his duty to take the first opportunity of meeting it. But he was a Crown witness, and it must be supposed, that he was in the hands of the Officers of the Crown. Those Crown Officers contented themselves with resisting the application for the *mandamus* moved for on the part of the traversers, and they allowed the charge to hang over Mr. Bond Hughes from the 16th of October until he was examined as a witness on the trial, when, in the course of cross-examination, it was elicited from him that he had committed a mistake. He thought the only blame that could be attached to Mr. Bond Hughes was, that he allowed the matter to rest in the hands of the Crown Solicitor, instead of taking it up himself, and placing it in its proper light before the public. The moment it was placed in its proper light before the public, that moment the obloquy which had been cast upon Mr. Hughes ceased. With that peculiar disposition which characterises the Irish people, every thing as regarded Mr. Bond Hughes, was dropped and forgiven, and Mr. Hughes instead of being held up as an object of obloquy, was set right before the public in the papers, the Editor of one of those papers, through the agency of which Mr. Hughes was set right, having been one of the very persons who was the subject of one of the mistakes. He thought, therefore, that it would have been wiser of the Attorney General if he had stated what the facts were as regarded the course that was adopted towards Mr. Bond Hughes, instead of stating merely that he had been an object of vituperation. If he had been for a time exposed to obloquy, it was the fault of Mr. Kemmis, that he had been exposed to it so long, and the blame, instead of being thrown on the public, ought to have rested upon the officers of the Crown. Why did not the officers of the Crown, instead of contenting themselves with opposing the informations against Mr. Hughes, and the application for a *mandamus* to oblige the Magistrates to take these informations—why did they not, instead of contenting themselves with that, state at once, that Mr. Bond Hughes had fallen into a mistake. The right hon. the Attorney General for Ireland said a good deal last night with respect to the applications which had been made for copies of the Jurors' Lists, but he did not state why the application for a copy of the caption of the indictment had been opposed. A different course had been pursued in Ireland from that which prevails in England; the application for a copy of the caption had been opposed, but it would not have been opposed in England; it would be furnished to the Solicitor for the traversers as a matter of right. In fact, Justice Perrin stated, that he believed it to be the right of the traversers, and that although it had not been customary to furnish it in Ireland, the fact of the right having slumbered, did not deprive the parties of that which they were entitled to. The traversers were to be called on to plead to the indictment in which the caption was, and if there was a material error in the caption, it would quash the indictment. They were called on to plead to that, which, according to the Attorney General, they had no right to get. But was that the only case in which the traversers were opposed in the proceedings which they felt it necessary to take? They put in a plea of abatement, which they were entitled to do under the statute, and the Attorney General demurred to the plea—they applied again, and it was decided by the Court, that they had a right to a four-day rule, and accordingly they obtained that rule, as the Chief Justice stated that he found it was consistent with the practice of the Court to grant that rule; and what was the conduct of the right hon. the Attorney General on that occasion? The Attorney General expressed his opposition to it, and said:—

> "I insist that as the Chief Officer of the Crown, and representing the Sovereign in this case, I am at liberty to form my opinion, and I say again, that I considered these pleas to have been put in for delay. If this is not so, why should they not be ready to argue them to-morrow. I call on them, if their object be not delay, to join in demurrer instanter, and whatever rules of practice may exist on this point, I insist and claim it as my right, that they should not be adhered to strictly. It was well observed by Lord Plunket, that the rules of the Court are the servants of the Court, and where a plea in abatement is put in, as I

assert, in order to create delay, and where I sustain that view by demurring as rapidly as I could. I say, that considering these circumstances, I trust your Lordships will, notwithstanding any rule of practice to the contrary, require them to join in demurrer forthwith, as I require them."

Now he would ask the Attorney General for England whether, with such an indictment hanging over the traversers, with so much at stake, with the country so much excited, would he exercise any prerogative he might possess, as the chief Law Officer of the Crown, against persons in the position which the traversers at that time occupied? The Attorney General for Ireland in his speech last night, insisted, as he had previously done in Dublin, that everything on the part of the traversers had been done for the purpose of causing delay. Now he (Mr. M. O'Connell) could not say whether or not the trials were attempted to be brought on at an early period in order that the Jury should be selected from the Jury List of 1843, but this much he could say, that if the trials were brought on at that early period, they must necessarily have been proceeded with before a Jury formed from the List of 1843, a List that was made out without any of that strict revision which had taken place before the Recorder. If the trials had been forced on, it was beyond a doubt that the Jury should necessarily be selected from that List. The right hon. the Attorney General had complained that the traversers only sought delay by their pleas, but he had not attempted to show to the House that the traversers made use of any means that were not permitted by the law, that they made any endeavour to produce a frivolous or vexatious delay. They had a perfect right to apply for the rule which the Court granted; they had a right to apply for a copy of the caption of the indictment; and no one had a right to say that they did so for the purpose of causing delay, and in order to frustrate the objects of the Crown. They acted properly in seeking for the chance of a better Jury than one selected from the Jury List of 1843, from which the Jury would have been selected if the trials had been forced on. He believed that a very different course would have been taken in England, where, he understood, every possible facility was afforded to the traverser for his defence, and where it was, he believed, the practice to give a copy of the caption and a list of the witnesses on the back of the indictment. The Attorney General for Ireland, in his speech last night, had alluded to the statement made by the hon. and learned Member for Worcester, in reference to the impossibility of setting aside, without cause, as many as they pleased of those persons who might be called on to serve on a common Jury. Now, what the hon. and learned Member for Worcester stated was, that the Crown might, it was true, have the right, but public opinion beat them down, and they could not do so with a common Jury. He had asked the Attorney General for England if he would have been inclined, under the circumstances, to exercise all his prerogatives, as they had been exercised in Ireland, against persons in the condition of the traversers; and he should now show to the House that the right hon. Attorney General for Ireland was capable of exercising his prerogative in a very extraordinary manner; and the instance which he was about to mention, was one that would, in his opinion, excite some surprise in the House. At an early period of the proceedings an application was made to correct an error in one of the names in the Bill before the Grand Jury; the name was that of one of the Clergymen, he believed the Rev. Mr. Tierney; Mr. M'Donogh, who is Queen's Counsel, and was counsel for Mr. Tierney, opposed the application to correct the error, and what reply did the Attorney General make? He did not attempt to meet the argument of Mr. M'Donogh, and to show that there existed a legal right to correct the error and amend the bill. No, but he proceeded in the manner of a gamekeeper, who meets a stranger in his master's preserves, and suspects him to be a poacher — instead of replying to the arguments of Mr. M'Donogh, he turns round like a gamekeeper, and asks for his licence. The Attorney General for Ireland demanded the licence of Mr. M'Donogh for acting as Counsel for the traversers, he being Queen's Counsel. The Attorney General had been so lately dealing with the Arms Bill, that perhaps, he forgot himself, and thus was led into asking for the licence of another counsel, as of a man suspected of poaching. It fortunately happened, however, that Mr. M'Donogh was able to show that he had procured a licence to act for the traversers. The Attorney General had alluded last night to the conduct of

Mr. Mahoney, the Solicitor for the traversers, in sending notes of different colours to persons who were qualified to be on the Jury List. Any person whose name was not on the Cess Collectors' book as qualified to be a Juror, had no right to have it put on the List, unless he, or some one on his part, served a notice to that effect within a certain number of days, and it required a similar notice in case a person who was not qualified wished his name to be struck off. These notices, to which the Attorney General alluded, were, therefore, necessary; but in remarking on the fact of Mr. Mahoney having caused them to be served, the Attorney General omitted to mention that when the lists were before the Recorder for revision there appeared, not only the Counsel and Solicitors for the traversers, whose duty it was to attend, but there were also counsel and agents to oppose the admission of names which the traversers' Counsel applied to have put on the List, and to support the claims of those which the Counsel for the traversers objected to. Those Counsel and Solicitors discharged the duty assigned to them with great ability and industry; and up to this time it was not known publicly in Ireland by whom they were sent to perform that duty. When the Attorney General, last night, denounced the conduct of Mr. Mahoney in serving notices on persons who were qualified to be placed on the List, he omitted to state to the House that similar notices, and perhaps on different coloured paper, had been served on other persons by Counsel and Agents in opposition to those of the traversers. By whom were those Counsel and Agents employed, he would ask? The Attorney General last night, cast an imputation upon a Gentleman, Mr. M'Grath, the clerk of the peace, against whose character he never before had heard the slightest charge. The Attorney-General imputed to Mr. M'Grath that he had been corruptly influenced by Mr. Mahoney, the Solicitor for the traversers, or that some religious feeling (he being a Roman Catholic) had induced him to deal more favourably with the traversers than with the Crown. Now, what were the facts as regarded the conduct of Mr. M'Grath? The Act directs that the parochial lists should remain three weeks in the office of the Clerk of the Peace, and both sides were entitled to a perusal of them. They had the means in Court of taking down these lists, and the Solicitor for the traversers applied for permission to compare the lists which were laid before Mr. M'Grath, with the books as revised by the Recorder, in order to ascertain if the copies were correct; and he was informed that Mr. M'Grath afforded the very same information to the Crown which he furnished to the traversers. They obtained leave to compare four of the parochial lists, and on applying for leave to compare the fifth, they were refused, on the ground that the papers were sent to the Recorder, to London. They were thus refused permission, it was stated, to examine any further, and up to this time no charge of corruption had been brought against Mr. M'Grath. The right hon. the Attorney General said that frequent applications were made on the part of the Crown, and that they had all been refused, but there had been no evidence offered of that, although Mr. Mahoney stated in full, in an affidavit before the Court, the manner in which he obtained a copy of the lists. Now, if this imputation of corrupt influence against Mr. M'Grath could be supported, would it not have been better to have stated that on affidavit before the Court? For at the time that Mr. Mahoney's affidavit was made, it would have been very important to have put in an affidavit, if they could, that advantages had been given to the traversers which were not extended to the Crown. If the Crown could maintain such a statement, they ought to have put it forward on the trial, but they did not. On the 29th of December, the lists which the Recorder had brought with him to London, arrived in Dublin, and on the 30th the Juror's Book was sent to the Sheriff. On the return of the Recorder an application was made to him, on the part of the traversers, for a copy of the list, but he said that the application ought to have been made to the Sheriff. The application was made to the Sheriff, and he refused to agree to the application without the consent of both parties, and that consent the Crown refused to give. So anxious were the officers of the Crown to get copies of the Lists, according to their own statement, that they applied almost every day at the office of the Clerk of the Peace for those copies, and were refused, and now, when they could get them by joining with the traversers in consenting to have them furnished, they refused to give that consent. Now, if the desire on the part of the Crown to get those Lists did not arise last night for the first time, why did not the Attorney General consent to have the copies furnished, when by doing so he could get a copy of the List? The Sheriff was allowed ten clear days from the 30th of December, when he got the Jurors' Book, to arrange the Special Jury List, but he only took till the 3rd of January. The Jury was struck under protest, and on the 13th the traversers' counsel applied to quash the panel, but the application was refused. The array was then challenged on the ground that there were twenty-seven Catholics and thirty Protestants whose names ought to have been on the Special Jury Panel, and who were omitted. Fraud was directly imputed by the traversers in the challenge to the array, and the Attorney General could have joined issue and have triers appointed in Court to ascertain if any fraud had been practised; he did not join issue, however, but he demurred to the challenge, and, legally speaking, admitted the fact, thus permitting the imputation to go uncontradicted, when they might have joined issue, and have had the matter tried in Court. The trial at length proceeded with the panel that had been objected to, and a verdict had been obtained. He would say nothing of the conduct of the Judges and Counsel on that occasion. Those matters had been already much discussed, and considerable light would yet, perhaps, be thrown on the subject. The Attorney General had succeeded in getting a verdict of a very questionable character, according to his impression. He admitted the right to appeal by a writ of error against that verdict, to the House of Lords, and assuredly that should be done. But of what value was the verdict to them now they had got it? Amongst the six millions of people who had been charged with being present at these monster meetings, was there one individual who had been deterred —was there one individual who would be deterred from seeking the Repeal of the Union by these legal proceedings? The National Association was still in existence —the Repeal Rent still flowed in. The amount collected for the last week was 500*l.*, for the week before that 600*l.*, for each week in the fortnight previous to that 500*l.*, and for the week before that period it was over 900*l.* He had promised the House not to detain it, and he would keep his promise. His only object had been to expose some of the fallacies in the ingenious, but not very candid, speech of the right hon. and learned Attorney General. He had only to add, before sitting down, that let the consequences of the verdict which the Crown had gained be what they might to the traversers — amongst whom, he supposed by accident, he had not been included,—the Government had not succeeded, nor would they succeed by means of that trial, in raising one single argument why the Repeal of the Union should not be sought for; nor had they delayed the period when that object would be gained one single moment; but they had established a disagreeable precedent in Ireland, which might before long be carried across the Channel to be applied to other cases in this country—a precedent which, by-the-by, had already so frightened some gentlemen who were desirous of raising an association in opposition to the Anti-Corn Law League, that before attempting it they had felt obliged to take the opinion of Counsel as to its legality. The Government had gained nothing for themselves in Ireland by the course they had pursued, but they had established a precedent which whilst it might sometimes be useful against their enemies, might likewise be applied against their friends.

Mr. Serjeant *Murphy* begged to explain. Having heard that in his absence from the House last evening the right hon. and learned Attorney General for Ireland had made allusion to certain observations which had fallen from him with respect to requiring the constant attendance of the traversers in Court during the trial, he could only say, that no one could rejoice more sincerely than he did that he should have been mistaken in what he then stated. He had taken his information from the public papers; he believed it, and upon their authority he had spoken. He could only add, though the right hon. the Attorney General might have been grieved at the time, that he had good cause for congratulation that those accusations had been made, for they enabled him to prove himself a most able and accomplished debater in that House.

Mr. *Gregory:* It was not my intention at the commencement of this debate to have obtruded myself on the attention of the House, and I should even now be unwilling to do so, should I not by remaining silent lie under the imputation either of being lukewarm in my approbation of the course pursued by Her Majesty's Ministers, or indifferent to the feeling and opinions of that large and important constituency that has returned me to Parliament. I have no intention, at this protracted period of the debate, to enter into historical disquisitions—to endeavour to analyse the State policy of Ollam Fodlah or King Dathy with the Repeal Association—to discuss the merits of Oliver Cromwell's system of colonisation with the hon. Member for Edinburgh, or to speculate on the intentions of Mr. Pitt, with some of my hon. Friends behind me. My intention is to take things as I find them—to regard the present and not the past—the nineteenth and not the seventeenth century—to advert briefly and simply to some remarks that have been made during this discussion. I have been unable to follow the speech of the hon. Member for Tralee, who has just sat down, for two reasons; first of all, I am no lawyer, and secondly, if I were, I should have been equally at a loss to understand his arguments. Sir, the hon. Member for Edinburgh said very truly last night, Ireland is always combustible but not always on fire. Sir, I wish that observation which came so eloquently from the mouth of that hon. Gentleman had sunk a little deeper into his consideration. Had he reflected upon the truth of the sentiment he was pronouncing—on the importance of that sentiment—he would not have delivered that speech, which, with all its brilliancy and ability, I conceive more adapted to work upon that tendency to combustion which is so alarming, than any that has been delivered on the other side of the House, even by the very advocates of Repeal. What was it but a most elegant and spirited resuscitation of old and bitter wrongs of the extirpating policy of Oliver Cromwell—of the pains and penalties of William III.—of the treatment of the Roman Catholics for a long period of time—when the brave were forced to leave their shores, and proffer their services to foreign Kings, and the wise and learned to hire their abilities to foreign ministers—when their priests were treated as mountebanks, and themselves as Gibeonites—hewers of wood and drawers of water. Are these, Sir, topics fit for the present time? Is this the legitimate object of that historic research for which that right hon. Gentleman is so justly famous? All these things have passed away. If the memory still remains it may be attributed to speeches such as these—hatchments, if I may so term them, over the memory of departed grievances, with the word *Resurgam* ostentatiously inscribed in most conspicuous characters. But, Sir, the hon. Gentleman seems to be unwilling that any one should refer to history but himself. He quarrels with the noble Lord the Member for Lancashire (Lord Stanley), for referring to the petitions and statements of Roman Catholics many years ago, for showing that they flew at much less high game than they do at present. Why, Sir, what was the object of the noble Lord, but to show the impossibility of ever satisfying these demands—that as fast as one was granted, another was insisted on—to convince the House that were the Protestant Church swept away to-morrow, something new would be required, as little contemplated at present, as the right of Catholics to sit in that House was expected by the Petitioners for the free exercise of their religious worship. It is hardly fair for the right hon. Gentleman (Mr. Macaulay) not to allow the noble Lord to inform the House what were the prayers, hopes, and wishes of the Catholics at that period—what were the expectations of those who listened to those prayers, and fulfilled those wishes, when he details to the House oppression and wrongs under which they who clung to that religion laboured. Sir, the proceedings at the late State Trials in Dublin, have been strongly commented on by the hon. Gentlemen opposite. So much has already been said on the jury case that I am unwilling to enter further into the subject, The explanation of the right hon. Baronet, the Secretary for the Home Department, was, I think, most explicit, and ought to have left no doubt upon that subject. Indeed, I cannot understand how so able and experienced a tactician as the noble Lord (Lord John Russell) could have been found hardy enough to rest any portion of his case upon that ground—when he must have been aware that it was in the power of the Government to meet his allegations with the greatest certainty of success. The hon. Baronet, the Member for Devonport (Sir G. Grey) did not fall into this error; he at once confessed that the Government could not have acted otherwise, that they must have struck these jurors off the panel—that they were, under existing circumstances, justified in doing so. The right hon. Baronet said clearly that this was not the field on which the battle was to be fought—that no position could be taken up on a foundation so insecure. He therefore dismissed the subject, firing off his gun as he retreats, at the right hon. Secretary, for endeavouring to illustrate the case by a jury of fox-hunters or lay impropriators. This is a mere pettifogging view of the case, says the right hon. Gentleman, to compare a great and important State Prosecution to some miserable trial of fox-hunting squires on a case of trespass, or lay impropriators on a case of tithes—I acknowledge the justness of your remarks, but I criticise the aptness of your illustration. What would the right hon. Gentleman have said if the Protestants of the North of Ireland, instead of acting with that temperance and moderation which I trust will always characterise their actions, had determined to take the law into their own hands—had met in enormous masses, had held monster meetings, and proceeded to demonstrations, which the law advisers of the Crown consider hostile to the law, and subversive of the Constitution. The ringleaders are brought to trial—a Special Jury is struck—the Crown Solicitor leaves on the Panel men notoriously connected with this movement, who had signed requisitions for these meetings—who had contributed their money to the promotion of that conspiracy—who were in short universally considered to be heart and head, body and soul, identified with, and sympathising with, the operations of these very men thus brought to trial? I know well with what a song of triumph, with what an Io Pæan such a course of conduct would have been greeted. The noble Lord (Lord J. Russell) would have come to the House with his Jurors' List in his hand—he would have cited their names, description, and disposition. See here, he would have said, look at the constitution of that Jury—men born in Down, begotten in a hot-bed of Orangeism, nursed in Monaghan imbibing prejudice from the breast—educated in Fermanagh—black-mouthed and bigotted no doubt, and the noble Lord would have indignantly cast these valuable statistics on the Table of the House of Commons, and protested, in the name of common justice, against this solemn mockery of her courts, against this truckling and self-abasement on the part of Ministers to Protestants and Orangemen. And yet would not this be a parallel case to the one under your consideration—of a Panel of forty-eight men, of which ten were struck off by the Crown Solicitor, according to Act of Parliament—struck off, because on his oath he believed them to be not unbiassed or indifferent? Now, I appeal to any man, not utterly jaundiced by party spirit, whether the Law Officers of the Crown could have done otherwise? Would they not have been fools to have supposed they could have conducted their prosecution with success, had these men been left upon the Jury? Would they not have been worse than fools if, foreseeing the result that must inevitably have followed, they had allowed themselves to be deterred from the execution of their duty by a momentary and inconsiderate clamour? Why, Sir, a clamour was raised up from the very earliest stage of these proceedings—a clamour even more inconsiderate than this: not a town in Ireland, not a dead wall in Dublin but was covered with placards breathing vengeance on the informers — the perjuror, Bond Hughes! An action for perjury was to be instantly commenced—not a moment to be lost—the pillory stood in the back-ground—and what was the result? Mr. Hughes, as my right hon. Friend, the Attorney General, stated last night, was openly complimented in Court by Mr. O'Connell for the impartiality and fairness of his testimony. These compliments were repeated by Mr. Steele, another of the traversers, and the very person from whom all these charges originated, the day Mr. Hughes left Ireland for England. And now, Sir, we come to another and graver charge—not once, but perpetually insinuated, that the suppression of one sheet of the Jurors' List was not the result of accident, but connived at and instigated by those whose object it was to obtain a successful termination of those trials. By successful, I mean in accordance with the wishes of the Government. The hon. Member who has just sat down has reiterated this charge, and has quoted the words of Judge Perrin—"That he was not prepared to say that the omission was the result of accident." My hon. and learned Friend, the Recorder for Dublin, has acquitted Mr. M'Grath of all culpability in these proceedings; I am bound, therefore, to coincide with his opinion. But this I will say, that great partiality was evinced by Mr. M'Grath in the facility he afforded to the agents of Mr. Mahony, one of the solicitors for the traversers, in every inquiry and reference they were desirous of making—and in the difficulties and impediments he opposed to every effort made by the other party to obtain access to these same documents. It is the opinion in Dublin—it was the opinion, and will remain the opinion in the minds of a large proportion of the inhabitants of that city, "that this omission was not the result of accident," but of design—a design, I will aver, that would never have entered the thoughts of the Law Advisers of the Government. Sir, I fear I have entered into the subject of the State Trials rather more fully than I was warranted in doing: I shall endeavour to make amends by compressing the few remarks I have yet to make into as short a space as possible. With regard to the Franchise—the next evil complained of—I have only to say, that I do not think hon. Gentlemen have attributed to the real causes the restriction they find such fault with. I attribute the real restriction of the Franchise, not to the reluctance of landlords to grant leases, but to the constant expectation that has been entertained for the last few years that a change in the nature of the Franchise was to take place; which opinion has deterred many from registering till these contemplated alterations should have passed into law. But far more do I attribute the restriction of the Franchise to the extreme unwillingness of the peasantry themselves to be registered, knowing full well the difficulties that the exercise of their rights will entail upon them. Naturally inclined to rally round his landlord, proud of his success, and grieving in his failure, perhaps occasionally influenced by other and less elevated motives, the Irish peasant finds himself brought, in the exercise of his Franchise, into collision with a tremendous power, whose menaces he fears, and at whose denunciations the bravest of them tremble—the Roman Catholic priesthood is this power. In this unhappy state of things, when he must either offend the landlord, at whose hands he has received kindness, or on whose will all his future is dependant, or must endure to be branded as a betrayer of his country, and an apostate from his faith—can you imagine but that it is with considerable reluctance, except when the politics of the priest and landlord are identical, that the Irish peasant allows himself to exercise so dangerous a privilege? The noble Lord the Member for London (Lord John Russell) complains too of the great restriction of the Franchise in Ireland as compared with that of England, and stated on the authority of Mr. O'Connell, that the county of Yorkshire had more registered electors than all the counties of Ireland. Is the noble Lord however prepared to lay down the broad principle that population alone is to be the basis of the Franchise? I thought it was his opinion that a line should be struck between property and population, by which the Franchise should be regulated. Is not the same complaint applicable to the English constituencies, and is the noble Lord prepared to make it? Why does he not bravely assail the state of the English constituencies at once? Is it not a hardship in his eyes that Thetford, with its 160 electors, should balance Birmingham with its 5,000; or that Tamworth, with its 300, should have equal weight as Manchester with its 12,000? If an argument of this description is pleasing to hon. Gentlemen, why not at once for the sake of uniformity, adopt the Chartist scheme, and divide the electors of England into constituencies of 20,000, returning in all 300 delegates to Parliament? I shall now dismiss this subject, merely reminding the right hon. Secretary for the Home Department of the warning given to him by the noble Lord the Member for Sunderland. "You may enlarge the Irish constituencies if you please. I approve of the plan—it will be placing additional arms in the hands of us who are the friends of Ireland." I trust the hon. Baronet will recollect in these, his alterations, that he is not legislating for England but for Ireland. In England he may extend the elective Franchise in the counties if he will; property there, I rejoice to say, possesses still its legitimate influence. In Ireland, however, the case is different. The more extensive the augmentation of these constituencies, the greater powers are you lodging, not in the friends of Ireland, but in the hands of those who are the determined enemies of British connexion, and of the re-establishment of tranquillity in that country. Now, Sir, I have but little to say with regard to the Established Church, the so-called monster grievance of Ireland. We have received assurances of a very different nature, which convinces me that that Establishment is not yet destined to be overthrown. We have received on this side of the House the assurances of the right hon. Baronet and the noble Lord, the two Secretaries of State, declaring their unalterable determination not to abandon that institution. That declaration on their part was loudly cheered by their supporters on this side of the House, and will, I am satisfied, be responded to by the country. But, Sir, the strongest assurance of all comes not from us, but from the Opposition Benches. The noble Lord the Member for Sunderland (Lord Howick), on entering upon this subject, stated that he was aware of the difficulties he had to encounter in bringing it forward. That he was aware what he had to say would be unpalatable to some of his Friends sitting by him, and would not be in accordance with the general opinion of the country. His speech, nevertheless, had one advantage, it was clear, candid, and explicit—a proclamation of no quarter to the Established Church. It differed much from that of the noble Lord, the Member for London, who, after entering widely into the insult and injury (that is the proper phraseology I hear of the Established Church), concluded by saying he was not prepared to do anything, or to make any statement as to what should be done—but strongly urged on the Government the important measure of at once relieving the Roman Catholic Hierarchy from the galling affront of not having their titles recognised by the State. In fact the noble Lord on this subject was prepared to say little and do less, and in this course of conduct he was ably seconded by the right hon. Baronet the Member for Devonport (Sir G. Grey). But, Sir, supposing hon. Members on this side of the House were to retire from the contest, and allow the Opposition to settle it among themselves, I do not even then foresee the exact result. The greater number would then, no doubt, be inclined to vote with the hon. Member for Sheffield (Mr. Ward), and make the perfect equality he recommends, by despoiling the Church, and converting its revenues to other purposes; but the greater influence would, I conceive, be joined with the noble Lord the Member for London (Lord J. Russell), who would not acquiesce in the proceeding. He and others would, I dare say, produce the equality desired by paying the Roman Catholic priesthood, and thus raising them to the level of the Establishment. But the Roman Catholic Clergy have no desire—they refuse to be paid, and your difficulties remain as great as ever. In short, I cannot conceive a question less likely to be settled than this identical one, even if it were left to your own tender mercies and exclusive legislation. Sir, I shall not, as I said before, enter into the question of the right of the Established Church in Ireland to its property and position. A separate discussion is to be taken on this subject by the hon. Member for Sheffield (Mr. Ward). But, Sir, as I am upon this subject, I must complain of the line taken by hon. Members opposite—of the language they have held—of the endeavours they have made to impress on the minds of the Roman Catholic population of Ireland, that an inveterate hostility against themselves and their religion is entertained by the present Government of the country, and by those who support this Government. What possible motive could the noble Lord (Lord J. Russell) have had in raking up the speech of the hon. Member for Canterbury (Mr. Bradshaw), delivered years ago, in the most exciting times, and in all the heat of an election; and in endeavouring to affix the responsibility of that speech on Her Majesty's Government? Was this fair or was it generous? Was it a sign of the strength or weakness of his cause to descend to matters of this kind so long forgotten? If the noble Lord loves to call to remembrance by-gone speeches, why not in that instance; as he has quoted one, why not refer to the speech of the Colleague of that hon. Gentleman (Mr. Smythe)—not made years ago—not delivered in the heat and ardour of election, but calmly and deliberately in this House, not many months since, and which breathed nothing but the kindest sentiments and deepest sympathy with his Roman Catholic fellow-countrymen of Ireland? What right has the hon. Member for Sheffield (Mr. Ward) to come down here and read from an anonymous pamphlet a series of paltry trash, in shape of letters, supposed to be written to Roman Catholic priests on different occasions, by Protestant landlords—referred to, I regret to say, by the hon. Member for Edinburgh—and when the hon. Gentleman is asked for the authenticity of these precious concoctions, "Oh," says he, "I have no doubt they are quite as true as many of the statements I hear coming from that side of the House." Why did the noble Lord the Member for Sunderland, persist in attributing the words "false" and "idolatrous" to my right hon. Friend the Recorder of Dublin, with reference to the Roman Catholic religion? My right hon. Friend totally disclaims the use of such expressions, and I listened to every word of his speech, and can attest the truth of that disclaimer. The hon. Member for Wycombe (Captain Bernal) complained greatly of an address to Lord de Grey from the Dublin Operative Society, which was graciously received. He says, the word idolatry was applied to the Roman Catholic religion in that Address. I can scarcely believe, that the hon. Gentleman is correct; but I am unable to find the Address alluded to. [Captain *Bernal:* It is true.] But even if it be so, to show the House and the country that such sentiments are deprecated and disavowed by Her Majesty's Government, I have only to state, that an Address to Her Majesty, from the same body in Dublin, was committed to my charge, which contained some allusions to the effect the Roman Catholic religion produced on Ireland. This Address I forwarded, as was my duty, to the Home Secretary; it was returned to me by him, with a communication to the effect that he could not reconcile it with his duty to present an Address to Her Majesty containing sentiments disrespectful to the religion of a large proportion of Her Majesty's subjects. I am sure the hon. Baronet can recal this circumstance. I make no comment on the truth or falsehood of the Address. I relate simply what occurred. Sir, the present Government is said to maintain its power in Ireland by an army of occupation. Sir I am no advocate for a Government of the sword. If this Government and state of things has been imposed on Ireland, let the accusation fall on those who are the causes. What does the hon. Member for Rochdale (Mr. Sharman Crawford) say about this—the assertor of popular rights—the wrong-headed, but the honest and intrepid champion of popular grievances? How does he stigmatize that system of agitation, which has forced that Government of the sword upon us? He calls it "a system abounding in the most offensive and exaggerated imputations, bombastic threatenings, violent declarations, and extending demands, ending in disgraceful compromises." When such proceedings as these are sanctioned by a nation, I ask, are not grounds laid for the imputation that such a nation is not in a condition to acquire or to maintain the rights of freemen. When you act in this way, you encourage England to treat you as slaves; and I address you in the language of Grattan—"if England is a tyrant, it is you who made her so; it is the slave that makes the tyrant, and then murmurs at the tyrant whom he himself has constituted." Sir, I trust this mode of Government will be no longer needed; I trust that measures will be introduced for Ireland's benefit—liberal and generous measures. Let not a country such as Ireland, an anomaly among civilised states, be treated by the niggardly and exact rules of political economy. She wants assistance for the creation of commerce, the revival of trade, the employment of her poor. Let not that application be met by a quotation from Adam Smith, or a reference to M'Culloch. The idea of Repeal—the light in which that great question is regarded by the Irish people—is not as you suppose. It is no absolute love of a Parliament in College-green. No vague speculation on the part of a band of visionary enthusiasts in behalf of a federal connexion—it is not a single and individual abstraction; but it is the great focus to which determine all the complaints, murmurs, and grievances of Ireland. It is the murmurs of the Irish Priesthood against the existence of a Church which they deem alien and heretical, and which they are banded together to overthrow; but which we deem true, and, under God's blessings, are determined to maintain. It is the murmurs of the restless and turbulent, whose existence is faction, and whose occupation, in time of tranquillity, is gone. To this you should give no heed. It is the murmur of the ruined tradesman, ruined by that agitation whose handmaidens, depression of trade and insecurity, he purblind and infatuated fool mistook for confidence and revival. But, Sir, it is also the complaint of poor men against a law, in vindicating which your troops are employed. It is their complaint, as their last shilling is taken from them, 3*d.* of which is devoted to the support of paupers not one whit worse off than themselves, while the remaining 9*d.* is applied to the maintenance of that prim Elizabethan establishment, which surveys the adjacent squalor and misery, like self-satisfied virtue contemplating vice. It is the cry of the unfortunate father, who sees his children in the last extremity of fever, dying in a ditch, as I have seen only a few months since. It is his cry, Sir, as he protests against that system of medical relief which our squabbles render so inefficient. It is the indignant appeal to justice and to Heaven of that poor wretch who, because he can minister no longer to the political ambition of his master, or the extortion of the middleman, is driven out roofless and homeless on the wide world, to swell the lists of those to whom any change must be a God-send. But Her Majesty's Ministers have devoted their attention to these subjects—they are anxious, I am convinced, to do everything that can be done to remedy some of those evils. I trust the greatest of all, the Poor-law will not escape their consideration. I will not allow to hon. Members opposite, free traders as you are, the monopoly of good wishes towards Ireland —the time is gone by for this delusion. The keys to the true Government of Ireland is "firmness" and "impartiality." The one maintains confidence, the other will command respect. But it is you who, now that agitation is put down on one side of the Channel, are reviving it on the other. —are creating fresh irritation—are ripping up old sores—while you bellow lustily for amity and conciliation—and is this what you have the effrontery to call the responsibility of Opposition? Why, even in some petty parish, if men fall out, and a feeling of animosity is engendered prejudicial to that small community, how would you endeavour to reconcile—would it be by dinning into the ears of one that the other had traduced the reputation of his mother, or reflected on the memory of his father, and that nothing but insults are to be expected —and yet is not this the way that you have throughout this debate stirred up Ireland against England, and dignified this unworthy conduct by the sonorous title of the responsibility of Opposition? When the time comes, as you evidently expect it will come, when this responsibility of Opposition shall be exchanged for the responsibility of Office, you will have reason to regret the course that party spirit has induced you to pursue—you will have raised hopes and expectations in these your biddings for place, which your pledges will prompt you to fulfil, but which your conscience will tell you to resist, which the Priest and the Agitator in Ireland will demand, but which the Protestant and Dissenter of England, will indignantly reject.

Mr. *Bellew* said, the recent Trials were not only unsatisfactory to the Catholic population of Ireland, but to a very large portion of the hon. Gentlemen opposite. The state of the Franchise in Ireland was also unsatisfactory to the people. With regard to the Administration of Justice, he did Her Majesty's Government the credit of conducting it as well as their predecessors. He looked upon the Stipendiary Magistrates as one of the greatest blessings which Ireland enjoyed, and preferred them greatly to unpaid Magistrates. He did not care whether they were appointed by Whigs or by Tories, because they were under the immediate supervision of the Executive, and he must say that the Executive had discharged this duty most properly. With respect to the Church question, the noble Lord the Secretary for the Colonies had, he thought, very unnecessarily referred to the Catholic oath. As a Catholic Member he hoped he should be believed when he said he should be as far as any man in that House from intentionally doing anything incompatible with the oath he had taken; but he really thought some indulgence ought on this subject to be extended to the Catholics by Protestant Members, when they recollected the oath they themselves took at that Table. 630 Members of that House took an oath at the Table not only that the religion of the Catholics in that House, but that of two-thirds of Christendom, was damnable and idolatrous. ["That is altered."] He was very happy to find such was the case. Still he thought, under the circumstances, there should be great indulgence shown to Catholic Members with reference to this subject. The Catholics did not say there should be no Protestant Church in Ireland, they only objected to the Establishment as it at present existed there. The Church was pre-eminently the question on which the whole Government of Ireland for good or evil must turn, and till that was satisfactorily arranged it was impossible that peace or contentment could prevail. He did not mean to discuss the several propositions which had been made on either side of the House; but it was most encouraging to observe that even Gentlemen opposite on the Ministerial Benches were ready to admit that some alterations must take place in the position of the Catholic Church, while the various suggestions which had been offered indicated an improved tone and temper, from which good results might be expected. He thought the State should protect and patronize the three great denominations in Ireland equally, and he believed that a large number of the most respectable Presbyterians and Dissenters in Ireland were prepared to see that question fairly arranged. He was also inclined to think that the proposal with respect to glebes and land for chapels might be most advantageously adopted. With respect to the Landlord and Tenant Commission, he could by no means agree in the attack which had been made on the noble Earl at its head. That noble Lord possessed extensive estates in Ireland; he had done much to improve them, and he had always conducted himself in the most benevolent and kind manner to his tenantry. He believed the Commission had been issued by the right hon. Baronet at the head of the Government in good faith, and in the idea that in some degree it might tend to improve the relation between Landlord and Tenant in Ireland. Of this he was quite certain—that by those who, residing in that country, were conversant with the wretched condition of the relations between Landlord and Tenant, and the fearful moral evils consequent thereupon, any attempt to improve the present state of things, whether efficient or not, must be hailed with gratitude. It was the fashion to throw all the blame upon the landlords. No doubt there was in Ireland a large class of landlords who did not, he was sorry to say, discharge their duties in the manner they ought; but with respect to many he might say, this was more their misfortune than their fault. It was not only the tenantry that were poor and embarrassed—the landlord was too often poor and embarrassed himself, and could not spend so much money in improvements as would be desirable. There were others who had both means and will, and especially in Ulster and Leinster great improvements had been made, not because the population was Protestant or Catholic, but because there was a large resident gentry, who spent money on their estates and gave good leases to their tenants. He was glad to find that both the Church question and the Landlord and Tenant question were now attracting so much public attention, and from this circumstance he augured the most important and happy results.

Mr. *Liddell* had no intention of taking any part in this debate, nor would he at all have trespassed on the House, but for some expressions which had fallen from his hon. Friend the Member for Northamptonshire (Mr. A. S. O'Brien), reflecting upon a noble Friend and relative of his, for whom he entertained privately the greatest esteem. It was not to be expected that he should compromise his political opinions by any defence of the public character and conduct of the noble Marquess (the Marquess of Normanby) to whom he alluded. The expressions to which he alluded referred fully as much to the private demeanour of the noble Marquess as to his public conduct; and if he was wrong in the interpretation he put on them, he was sure his hon. Friend who used the expressions would be the first to thank him for the opportunity of explaining them. He was almost sorry to remind his hon. Friend of the words he had used. His hon. Friend talked of "the theatrical and ostentatious display of the noble Marquess." If by those words his hon. Friend referred merely to Lord Normanby's progress through the country, and when a sort of gaol delivery took place without the intervention of Judge or Jury, he was ready to admit there was some indiscretion in such conduct; it wore an unseemly appearance, and might be resorted to as a precedent by individuals standing in the same highly responsible situation, and anxious to create a species of spurious popularity. In that point of view, undoubtedly, such a proceeding was not exempt from criticism. But if his hon. Friend alluded to his noble Friend's general conduct in exercising the functions of his high office, he begged to say, that he had heard from all quarters, and not only from Gentlemen of his own political opinions, that the duties of that high office were never exercised with more becoming dignity, with more courteous affability, with more consideration and generosity towards all parties who attended his levees, and towards the Irish people generally. He might say it was dignity without ostentation, affability without affectation. He knew that the private charities of the noble Marquess and his lady were only limited by the opportunities afforded for his exhibition. He might say this feeling of kindness and charity belonged to the nature both of the noble Marquess and his Lady. In the far distant West, many an unfortunate individual of the negro population, whom he found in slavery and left in freedom, could attest the kindness and charity of his noble Friend during his residence in Jamaica, and the same sympathy and attachment had been exemplified in Ireland, With regard to the Church question, the appointments made by the noble Marquess in Ireland during his Vice-Royalty, were most carefully considered, and were all marked by great discrimination and propriety. He had never heard the slightest censure pronounced on the conduct of his noble Friend on this subject by Members on either side of the House. He was aware that expressions were often allowed to escape the lips of Members in the heat of debate which those using them were the first to regret. Upon this occasion, he was unwilling to leave the defence of his noble Friend entirely to hon. Gentlemen on the other side of the House, and he gladly embraced this opportunity of paying a trifling, but a very sincere tribute, to one whom he regarded with much esteem and affection. He also remembered that noble sentiment:—

> "——— Absentem qui rodit amicum,
> "Qui non defendit, alio culpante,
> "———— Hic niger est."

Although he could have wished to offer some remarks on the speeches of the hon. Member for Worcester, and the noble Lord the Member for Sunderland, yet he would not protract the debate by so doing. He could not, however refrain from expressing his satisfaction at the speech of the hon. Gentleman who had just sat down. Though he differed from the hon. Gentleman both in politics and religion, he felt that the sentiments which he had expressed did him honour, and showed that there were among the Roman Catholics of Ireland men who were disposed to deal with public questions in that spirit of sincerity and candour which was so much honoured in this country. Upon the whole, he thought the Government had reason to congratulate themselves upon the progress of the debate. From the convincing speech of the right hon. Baronet the Home Secretary, at the commencement, to the speech of the Irish Attorney General last night, the defence of the Government had been in all respects full and complete. He congratulated them that they had been as triumphant in argument as they would be in the division; and he trusted that they would persevere in the same course of moderation, justice, and clemency, and long continue to preserve what they had now attained to—the support of their Friends, and the respect of their enemies.

Mr. *A. S. O'Brien*, in explanation, disclaimed all intention of using disrespectful language respecting the noble Lord alluded to by the last speaker. In using the word "theatrical" his only intention was to characterize the noble Marquess as having done that noisily and ostentatiously which might have been done quietly and plainly. He certainly thought the noble Marquess in releasing the prisoners had done it in a theatrical way, and for the purpose of producing effect. At the same time, he had no intention of saying anything personally disrespectful of that noble Lord.

Mr. *Hume* must say, with regard to the noble Marquess alluded to, that whatever his manner might have been, his conduct had been highly to his honour. It was most gratifying to the friends of the noble Marquess that he should have conducted the Irish Government so much to the satisfaction of the Irish people. He wished he could say as much for those who had preceded and followed the noble Marquess in that Government. With regard to the present motion, he thought that too much of the debate had turned upon the late trial, which he himself believed to be of little comparative importance. Whatever attempts might be made to justify the proceedings on that trial, he believed that the people of Ireland and of England would pay but little attention to the decision come to at that trial. With respect to the error in the Jury List, he felt quite sure that the right hon. Recorder had had no control over it. But why were not the proceedings quashed as soon as the error was discovered? It was no answer to say, that such a proceeding would have an injurious effect on others. Why should one man be sacrificed in order to prevent injury to others? The traversers had not had a fair trial—the proceedings were unjust to them: and that was the opinion with respect to them entertained by the people of Ireland. The hon. Gentleman opposite called on the Irish to bury all past grievances in oblivion; but what was to become of existing grievances? Ireland ought really to become what she was now only in name—a portion of the Empire. She ought to be deriving from the Union those advantages which a poor country always derived from an Union with a rich one; which Scotland had derived from the Union with England, and which many foreign countries had derived in a similar way. That Ireland should enjoy these benefits was the desire of those who passed the Act of Union, and the avowed object by which that measure was recommended. In the Speech from the Throne at the commencement of the Session of 1800, His Majesty expressed his conviction that an Union of Ireland with England, founded upon an equality of rights and a reciprocity of advantages, would be for the benefit of both countries; and Mr. Pitt soon after said, that such must be the foundation of a Measure for effecting the Union. Thus Ireland was promised a full participation in all the benefits which she ought to enjoy from an Union with England. Had this promise been fulfilled? No. The hon. Gentleman the Member for Dublin had told them that, even if the Irish Church were destroyed, there would still be some other grievances. Of course there would, and there would continue to be grievances until all were removed—until Ireland, in the words of the passage he had quoted, should become really incorporated with England, and be a participator in all the advantages enjoyed by this country. With regard to the Church, how was it possible for the people of Ireland to be satisfied with the Church as it was? Scotland had her own Church, England had her own Church; how could Ireland be expected to be satisfied with a Protestant Church, while the vast majority of the inhabitants of that country were Roman Catholics? An hon. Gentleman opposite had attempted to deny the truth of the statement of the comparative numbers made on that (the Opposition) side of the House; but, according to the census of 1833, there were (out of a total population of 7,943,000) of Roman Catholics 6,427,000, of Protestant Episcopalians 752,000, of Presbyterians 642,000, and of other Protestant Dissenters 121,000. The sum paid to the Protestant Church was 806,000*l.* per annum, and to the Presbyterians 35,000*l.*, but the whole sum paid to the Roman Catholics was 8,928*l.* for the maintenance of Maynooth, and even that was grudged them by some Gentlemen opposite, who were only restrained from moving that the annual grant should be rescinded because the Premier was really ashamed of such a proposition and forbade the attempt. Was it likely that the Irish people could feel otherwise than aggrieved at the existence of a Church under circumstances of such injustice? He had never been a party man as regarded Irish questions. His only partizanship on those subjects had been on behalf of the whole people of Ireland. In 1833, when the Whigs proposed their Coercion Bill, although he had generally voted with them, he denounced the Measure, and predicted that it would be the cause of their downfall. He called on the people of England to fulfil the bond signed with the people of Ireland at the time of the Union, and thus act an honourable part by their fellow-countrymen. The real Agitators were the Orangemen and those who denied justice to Ireland; and the right hon. Baronet at the head of the Government, who sympathized with them and supported them, was the Arch-agitator. He was by no means opposed to agitation, whichever party might be in power. No Government would consent to changes till they were made uneasy by the pressure from without. He had himself been in one sense a great Agitator during his political life—for he had denounced all abuses in public institutions, wherever they were to be found. He had, however, consistently and firmly opposed the use of physical force. The first thing that should be done for Ireland was the removal of the Lord Lieutenant (as the Commissioners of Scotland had been displaced), and governing the Sister Island by a Secretary of State. Repealers, of course, would be against the proposition; but he who was for preserving the Union, would wish to see Ireland relieved from the evils that ever attended delegated Government. The same men would act differently in Dublin and in London. There was, happily, a high spirit of honour among public men in England, which preserved them from petty intrigues or jobbing, which had been too much displayed in Ireland. The Repeal Agitation was not novel; it had been carried on since 1833. As to its causes, he considered the Irish Church the chief of them, and did not care for former pledges in its behalf if its preservation prevented peace in Ireland. [Sir R. Peel entered the House.] Here comes the principal cause of Irish Agitation, for he perpetuated institutions which excited it, and was therefore responsible for it. He had entertained great confidence in the sincerity of the right hon. Gentleman's intentions, but he had been sadly disappointed. All his fond hopes had been blighted. There had been promises of reductions, but they had not been fulfilled; perhaps they would be seen in the Estimates. Well, they would find it out by and by he supposed. He could not too strongly impress upon the Government, that any state of things which kept up excitement in the public mind produced a sense of insecurity inconsistent with prosperity. There had been praise claimed by the Government for resorting to trial by jury, but would the right hon. Baronet admit that troops had been at the same time brought into Ireland? If they did justice to Ireland they might withdraw the troops from that country to-morrow. He wished the noble Lord who had introduced the present Motion, had made it a direct censure against the Government. Nevertheless, he looked upon the Motion as a censure of the Government, and should vote for it as such. He had been almost tempted, in order to remove all doubts, to move, by way of amendment, a direct censure on the conduct of the Government. [Sir *R. Peel.*—It is not too late.] He was too old a bird to be taken in that way. He, indeed, wished that they were more unanimous with respect to Ireland. The hon. Member concluded by stating, that he should give his vote in favour of the Motion.

Mr. *George Hamilton* stated he had some hesitation in obtruding himself upon the House at so late a period of so protracted a debate. But there were some matters which had been adverted to by most hon. Members opposite, who had spoken in the debate, respecting which he felt it to be his duty to make a few observations. The first of these topics was the Landlord and Tenant Commission, of which he was a Member. He fully agreed with those hon. Members who intimated an opinion that it was desirable that the Commissioners should make a report with as little delay as possible; and he could assure the House there was no want of diligence on the part of the Commissioners, and no want of disposition to discharge their duty within as short a time as it was possible for them to do so—But the House should consider the peculiar nature of the inquiry, and the difficulties attending it. When he informed the House that it appears from the Census of 1841 that nearly one-half the farms in Ireland are under five acres in extent—that five out of six farms are under fifteen acres—that the Census Commissioners state that in the rural districts one-half the population live in the lowest state—possessed of accommodation equivalent to a cabin of a single room, and that sixty-eight per cent., heads of families in Ireland, are without capital in money, land, or knowledge, being labourers or farmers under five acres, the House would understand the extreme difficulty as well as importance of an inquiry involving remedial suggestions for such a state of things. It involved in fact that most difficult of all problems, the social condition of Ireland—Whatever suggestions the Commissioners might be able to offer as regarded direct legislation, it was quite obvious that the greatest advantage which could be expected to arise from their labours, would be the operation upon public opinion of the report they might make, and the evidence they might receive. In order to that, it was equally obvious that evidence must be received very fully, and the report most carefully and deliberately considered. Whatever might be the result, he would assure the House the Commissioners were determined to do their duty by probing the matter to the very bottom, according to the instructions they had received, and to make known to Her Majesty fully and fairly the real state of things as regards the occupation of land in Ireland. Some hon. Member had intimated that the Commission was too much of a Landlord Commission. He could assure him, however, that the Commissioners were anxious to receive as largely as possible evidence from the class of Tenants. They had already examined several of that class, and with the view of rendering the examination as convenient as possible to that class, it was their intention to visit different localities, for the purpose of receiving evidence on the spot, and seeing and judging for themselves on the evidence they should receive. Other hon. Gentlemen, and among them his hon. Friend the Member for Roscommon county, had adverted to the excitement which the Commission had caused, and to the probability that public expectation would be disappointed. If excitement had been caused, he could only say it had not been through the Commissioners. They, on the contrary, had taken every means of making known what the objects of Commission were, and they took every opportunity of apprising parties that they were not invested with any authority to settle differences between individuals, or power to make any adjudication as to the rights or claims of individuals. Adverting next to the general question before the House—namely, the Irish policy of Her Majesty's Government, as an independent Member, and as the representative of many of those in Ireland who, last year, were of opinion that too great a degree of forbearance, or inertness, had been exhibited as regards the Repeal Agitation, he felt bound to state that the speeches of the right hon. Baronet the Secretary for the Home Department, and the other Members of Government, had afforded him in that respect very great satisfaction. The right hon. Baronet had explained, and in his opinion most conclusively, the reasons on account of which that apparent supineness had existed. His right hon. Friend the Attorney-General for Ireland had last night explained—and in a manner which he felt confident must have been convincing to the mind of every Member of the House—the several matters in reference to the late trials which appeared to require explanation; and he had no hesitation in stating that, in his opinion, the course which Government had pursued with regard to the Repeal Agitation, was marked by great moderation, great wisdom, and great firmness. The noble Lord opposite, in his speech on opening the debate, had stated that Government in these countries is now in a great degree, a Government of opinion. This was a very obvious truth, but he (Mr. Hamilton) could assure the House it was a mistake to suppose that that should rightly be considered public opinion in Ireland which was represented or indicated by the Repeal agitators, or by the Repeal meetings, however multitudinous they may have been. He was far from undervaluing the opinion of the lower classes; neither, under existing circumstances, did he mean to say anything harsh of the agitators themselves; but when the noble Lord spoke of Government being a Government of opinion, and being influenced by opinion in Ireland, he felt bound to say that the public opinion upon which Government rests in these countries, in the sober, sound, and reasonable judgment of the community at large, exercised upon an intelligible and definite subject, and after sufficient and correct information. But who could say that this was the case with regard to these multitudinous meetings in Ireland? These meetings were convened—in some cases exclusively, in almost all—principally by the Roman Catholic Clergy in each locality—at their instance the people attended, naturally attended, in large masses. There was little to prevent them from doing so; unlike the labouring classes in England, their time was of little value to them, and they are fond, naturally fond, of meeting together and hearing popular eloquence. At these meetings, and by the circulation of such newspapers as *The Nation*, they learned to indulge in glowing but delusive visions of wealth, prosperity, and comfort, and were taught to expect them from Repeal. Considering the condition of the great mass of the people of Ireland—their ardent and imaginative temperament, and the means that had been used to excite them—it was no wonder they had been intoxicated with those deceptive representations, and raised up to a degree of frenzied excitement which endangered the peace of the country; but this was not public opinion in Ireland. Theirs, under such circumstances, was not that sober, sound, and justly-formed public opinion in Ireland, upon which any Government could rest, or by which any Government ought to be influenced. To say nothing of the Protestants of Ireland, whose opinion certainly, considering their intelligence and property, was entitled to some consideration, but who were quite kept out of view by hon. Gentlemen opposite, as if no such body of people existed—he was prepared to say, that of the Roman Catholics those entitled to most consideration were either unwilling Repealers, or were opposed altogether to Repeal Agitation. He had stated last year that, admitting the great danger in which Ireland had been placed, and the excitement which prevailed, it was his opinion that it was a forced excitement, an unnatural excitement, rather than a deep-rooted discontent, arising out of the pressure of political grievances. He had watched, narrowly watched the progress of events since then, and he had seen nothing to alter his opinion. Certainly he was not one of those who entertained those gloomy apprehensions with regard to Ireland which some hon. Members had expressed. He was not one of those who would entertain any very great apprehensions even in the event of a foreign war. He could not, and would not, believe that his countrymen were really disloyal. It was one thing to agitate, even in the most objectionable manner, for measures, regarding which differences of opinion might exist, and in reference to which allowances are to be made for enthusiastic feelings—for pre-conceived notions which may operate to blind the judgment even of the leaders of that agitation; but it is another thing to take up arms in support of a foreign foe. He did not believe, that in such an event the leaders of the agitation would adopt such a course. Even if they did, he did not believe the mass of the people would follow them; but even if that should be the case, and he would not allow himself to contemplate it, he felt sure there would be enough of loyalty and spirit remaining among Her Majesty's Roman Catholic and Protestant subjects in Ireland, to hold that country for Her Majesty either against foreign or domestic foes. In reference to the recent agitation, it had been, in his opinion, manifestly the duty of the Government to repress it; but he rejoiced that the common law of the land and the existing principles of the Constitution had been resorted to, rather than any extraordinary powers sought for. He sincerely hoped Government would act steadily on the policy of repressing agitation. If they did so, and at the same time took means to improve the condition of the people, it was his firm conviction that the representations they had heard made by hon. Members opposite, would turn out perfectly unfounded, that the excitement would soon subside, and Ireland soon cease to afford a political battle-ground for the noble Lord and his party. He would not have been inclined to have troubled the House with any further remarks on the present occasion, if it had not been for the reference which had been made by almost every speaker on the opposite side of the House to the Established Church in Ireland, and to a provision for the Roman Catholic Clergy. The plan of a separate State provision for the Roman Catholic Clergy appears to be abandoned for the present by hon. Gentlemen opposite, but they seem agreed in opinion that the property of the Established Church should be confiscated, with a view to what they call the establishment of a perfect equality in religion. The noble Lord the Secretary for the Colonies, in his speech, for which, on the part of the Protestants of Ireland, he thanked him, had expressed in the strongest manner the determination of Her Majesty's Government to resist any such confiscation, and he had pointed out also the reasons which operated against any State endowment of the Roman Catholic religion. But in his opinion, there were other grounds upon which both the overthrow of the Established Church, and the endowment of the Roman Catholic Church, ought to be resisted, and which he felt it to be his duty to state to the House. He was well aware of the opinions entertained by hon. Gentlemen opposite, and expressed so repeatedly in the course of the debate, with regard to Church Establishments. But, notwithstanding those opinions, he was not afraid to avow, and he thought it the highest and best grounds upon which the Church of England in Ireland, or any Church, could be maintained in its connection with any State—that, in his opinion, it is the paramount duty of a Christian State, for the sake of truth in religion, to recognise and acknowledge one definite system of religion, as the depository and teacher of religious truth. He never for one moment could admit what those hon. Members maintained, that religion is to be regarded as a matter merely between man and his Creator—that there is no responsibility, in respect of religion, beyond the responsibility which attaches to us as individuals—that there is no obligation upon us, in our collective capacity, as Members of a State, to uphold honestly, and sustain fearlessly what we conscientiously believe to be truth—that religion is a thing that is to be left to take care of itself, and that the State, as such, has no cognizance of religious truth. On the contrary, it has always been held by the ablest Constitutional writers, by the soundest Constitutional lawyers, and by the greatest Statesmen that England had ever seen, that by a fundamental law of the British Constitution, religion is made a part of the State—that the great end of all Government is to promote man's highest interest—that man's highest interest is essentially involved in his religious condition, and that, therefore, the State must necessarily be cognizant of religious truth, and responsible for sustaining and promoting it. He thought it was impossible not to feel that this must be so. It was impossible not to feel that if other interests—subordinate interests—the interests of Commerce, the interests of Manufactures, the interests of Agriculture, the varied and complicated interests in a great Empire—are admittedly within the cognizance of the State, and the subject matter of State policy, notwithstanding differences of opinion which exist as to the degree of truth or error which may be involved in the principles upon which those interests rest; and if the State, notwithstanding such differences, does not hesitate to pronounce with authority, and to maintain steadily, and act upon fearlessly, what it believes to be true, in reference to those subordinate interests—it cannot be that, when religion comes to be dealt with, involving, as it does, truth of the most exalted character, and interests—the only interests of real and permanent importance—it can cease to be the duty of the State to declare boldly, and sustain steadily, and promote anxiously, what it acknowledges to be truth in reference to those paramount interests. The Roman Catholics in these countries acted themselves on this principle—it is manifest that they feel that as a body they are responsible for the maintenance of what they consider truth in religion, and that in their opinion, religion is not a matter to be left to take care of itself. Devoted to their own religion as sincerely as he was to his, they saw, as he did, the inconsistency and danger of a connection between their religion and a Protestant State, and in his (Mr. Hamilton's) humble judgment, they acted rightly and consistently in abjuring such a connection. It was unnecessary for him to state, and he should, therefore, refrain from doing so, for what reasons the Protestant religion has rightly been selected as the religion of the State. It was sufficient for his argument that it has been so selected; but, being so selected, he thought it followed necessarily, that the State is responsible for offering to the whole of the population the great truths which that system of religion contains. He could not admit that there was any hardship or grievance in this, or insult to those who differ from the Established Religion. States, as well as individuals, may differ, and will differ with regard to what truth in religion is; but States, as well as individuals, appeared to him in that respect to act under the most solemn of all responsibilities. States, like individuals, were bound to make a selection, and he thought a total indifference on the subject of religion, whether in States or individuals, was a greater insult to religion than a conscientious selection of what some persons might consider erroneous. He believed there was no people on the face of the earth who entertained stronger feelings with regard to the importance of religion than the Roman Catholic population of Ireland. He thought they were in that respect an example to the lower classes in England; and he would go further, and say, that there was no people who appreciate and estimate more fairly, sincerity and piety in those who differ from them in religious belief, and, however indisposed they may be to receive the ministrations of any clergy but their own, he (Mr. Hamilton) did not believe, now that the pressure of tithes was removed from them, that they felt it any hardship or grievance, that the form of religion which the State acknowledged, should be upheld and supported as such. If the principles which he thus laid down were sound, the question of an Established Church could not be argued merely on grounds of numbers or proportions of the population. Truth is not less the truth, because in some parts of a great Empire such as this, it is held by few, and the duty of taking reasonable means for promulgating it, is not diminished, but rather increased by the prevalence of what we believe to be error. He was quite ready to admit that this principle, like all great principles, is to be confined in its application within reasonable limits. A State might be bound to maintain an existing Church by treaty or compact, though differing from the Established Church, as was the case with the Church of Scotland, and some of the Colonies; and he thought further, that it would be an abuse of the principle if it was to be adduced in support of a system of excessive wealth, or of sinecures or pluralities in a Church. This, however, he would be prepared to show on a proper occasion was not the case in the Established Church in Ireland. Lord Althorp in 1833 had stated that greater exaggeration existed with regard to the wealth of the Established Church in Ireland, than upon any other political topic which had ever come under his observation; that noble Lord confessed that, until he looked into the subject himself, he had exaggerated, even to himself, the amount of the Revenues of the Irish Church Establishment. He regretted that the Return, moved for last Session, by his right hon. Friend and Colleague, had not as yet been made. When that Return should be made, it would be found—and he was persuaded he should be able to convince even the most sceptical—that the average income of the Parochial Clergy in Ireland does not exceed 170*l.* a year; that the average income of the Beneficed Clergy does not exceed 216*l.* a year; and that when the Church Temporalities Act shall be fully in operation, there will be in the whole of Ireland only forty-four Benefices above 1000*l.* a year, twenty-nine of which will be in the province of Armagh; that more than one-half the Benefices in Ireland will be under 300*l.* a year, and 1,156 out of 1,400 under 600*l.* a year. The noble Lord had spoken of a plan for making a congregational rather than a parochial division for the Church in Ireland, with a view to the reduction of its revenues, and ultimately the endowment of the Roman Catholic Church. He believed he was correct in the noble Lord's meaning—but let the House just consider how it was possible for that plan to be made available for the purposes of the noble Lord. By the Report of the Commissioners of Public Instruction, and it was considerably under the truth, the members of the Established Church in Ireland were 852,000, besides 660,000 Dissenters, many of whom attended the Established Churches: the number of Beneficed Clergy was about

1,400. Supposing, then, the whole population of members of the Established Church divided amongst the Beneficed Clergy, there would be a congregation of more than 600 to each; but the average income of the Beneficed Clergy was little more than 200*l.* a year. Now he would put it to the noble Lord himself whether, considering the manner in which the Protestant population was scattered in Ireland, or indeed under any circumstances, 200*l.* a year could be considered more than a sufficient provision for an educated gentleman; and if that were so, what would become of the fund out of which to make provision for another and hostile Church? He had to apologise for having trespassed so much upon the indulgence of the House. He did feel that in the subject to which he referred there were higher considerations than those of temporary expediency involved, and higher principles than those of civil government, and higher interests than the transient ones of party or of country. He felt that States, like individuals, were but instruments in the accomplishment of the great ends of Providence — that they, like individuals, had a talent committed to them, for the use or abuse of which they would be held deeply responsible. Looking upon England, a little island, raised up by Providence to so wonderful a degree of power and importance regarding her as the head of a great Empire—greater in point of influence—higher in point of character—more extended in commerce—bolder in her achievements, and heretofore more successful than any of the great Empires which pass across our vision in the retrospect of man's eventful history—he had always felt that she had been raised up by Providence for some purpose more important than the transient interests of mankind, however important those transient interests might be. He had always regarded England as the depository of right principles—as raised into power for the purpose of maintaining and extending those principles, for the permanent benefit of mankind, and for the promotion of man's highest interests. He could not believe that England, having sustained those principles in the protracted struggle for her existence in which she had been engaged at the close of the last and the beginning of the present century, and which conflict she had engaged in principally from her devotion to those very principles, would now abandon them. If she should, he (Mr. Hamilton) would only say, it was his firm conviction that her course would thenceforth be a downward one, and that in future ages England, too, would be reckoned amongst the other nations of the world, which, in the day of their power and greatness, had forgotten the purposes for which that power and greatness were entrusted, and being left to follow their own imaginations, had sunk back to that state of weakness and insignificance from which they had been originally taken.

Mr. *Caleb Powell* bore testimony to the decent, decorous, and orderly conduct of the masses who attended the Repeal meetings. More orderly assemblages he never witnessed. He could hardly hope that such meetings would be as peaceable in future. How could any one hope it after what had occurred? The trials had been productive of the greatest indignation and of the most utter disgust throughout the length and breadth of the land. The people were disgusted, not only with the manner in which they were instigated, but with the way in which they were conducted. First of all let him, as a Protestant, remark in what a position the Attorney General had placed the Protestant population of Ireland. They were unpopular enough before,—how much would not their unpopularity be increased, now that the right hon. Gentleman had selected Members of that class to be his instruments in inflicting a punishment upon the most popular man in Ireland? Then there was the Jury List business. The Recorder of Dublin had attempted to escape from all the censure connected with that matter; but how was it, let him ask the right hon. Gentleman, that he, an exceedingly well paid officer, and, though not an old man, a very aged placeholder, should have permitted the administration of justice to be impeded for so long a time by the inadequate machinery of the office over which he presided? How was it, that the right hon. and learned Gentleman had abandoned his post on such an important occasion, coming to England for his private recreation, and leaving his duty to be performed by an incompetent underling? Then, as to the Chief Justice —what should he say, or rather, what should he not say, of his summing up? His words the House had heard — he wished they could have seen his gesticulations. It might be said of him as it was said of Lady Teazle, that he could do more to injure his own reputation by a look, than others could do by the most elaborate slanders. Altogether, the Court presented just such a spectacle as Byron had described:—

> "——Judges in formidable ermine,
> With brows that did not very much invite
> The accused to think their Lordships would determine
> His cause by leaning much from might to right.
> An Attorney General, awful to the sight,
> As hinting more, unless our judgments warp us,
> Of Arms Bills, pistols, balls, than Habeas Corpus."

With regard to the effect of such a prosecution, so commenced and so conducted, it was his belief—indeed, the belief of every reasonable person—that, instead of putting down O'Connell and the Agitation for Repeal, its effect would be to make the vast political influence of the Liberator hereditary in his family, and his cause a sacred one with the people, who held his name so greatly in veneration.

Sir *H. Douglas* said, if he had seen any representative of an Irish constituency rise to address the House, he would not have risen, nor indeed he (Sir H. Douglas) would not presume to offer himself to the attention of the House on the present occasion, but for the purpose of explaining what he had stated with reference to this subject on a former occasion. In the part which he took in the debate on the Motion of the hon. Member for Limerick, in July last, he had stated, that Ireland had made a steady progress in every branch of her industry since the period of the Union down to the present time. He had founded that statement on figures and documents which he had compiled with great care, from public documents. These statements had been questioned by—amongst others—the hon. Members for Kilkenny and Waterford, who, seeing the importance which such statements carried with them, had impugned their accuracy; but he (Sir H. Douglas) was fully prepared to attest and vindicate the accuracy of those compilations, and which, if necessary, he was ready to read to the House. It appeared from those documents that, since the Union, Ireland had steadily increased in population—her manufactures of linen and flax had increased—her tonnage inwards and outwards had increased—and her exports of bread-stuffs, and of cattle, had increased enormously; all her provident and charitable institutions, loan funds, &c. &c. testify improvement. Education is making great progress; and, with the additional stimulus, resulting from increased pecuniary provision, will proceed in a corresponding and much higher ratio. Notwithstanding what is said by the hon. Member for Waterford, that the taxation of Ireland is one-fifth that of England, and what the hon. Member for Kilkenny says, that it is as three to four; the fact is, that the taxation of Ireland is not one-tenth of that of England and Wales, and about four-fifths of that of Scotland. Thus, Ireland, with a population of about 8,200,000 is taxed to the amount of 4,000,000*l.*, whilst England and Wales with a population of 16,000,000 are taxed to the amount of 42,485,000*l.*; and Scotland with a population of 4,600,000 is taxed to the amount of 5,000,000*l.* At the time of the Union, the Irish debt was 23,000,000*l.*, he spoke in round numbers; that of Great Britain was 451,000,000*l.* The Irish debt has only increased from 23,000,000*l.* to 34,000,000*l.*, whilst the debt charged to Great Britain has increased from 451,000,000*l.*, to 740,000,000*l.* The charge for interest is, for Ireland, 1,183,845*l.*; and for Great Britain, 27,357,330*l.* It was settled, at the Union, that, for the space of twenty years, the contributions of Great Britain and Ireland, respectively, towards the expenditure of the United Kingdom should be in the proportion of fifteen-seventeenths, and two-seventeenths; and that after that period, the expenditure, other than the charges for interest of debt to which either is liable, should be in such proportion as to the united Parliament may seem fit. According to this, the budget of 1801 was, for the expenditure of the United Kingdom 42,197,000*l.*, of which 4,324,000*l.* was for Ireland. It thus appeared that, in all these respects, Ireland has been treated with the greatest liberality, and that all the financial stipulations and engagements made at the time of the Union, have been most faithfully carried out. With respect to the remission of taxation, it is asserted by Gentlemen opposite, that Ireland has not been fairly treated, and that whilst there was an immense remission of taxation in favour of England, there was a very small remission with respect to Ireland. The repeal of taxation in Great Britain and Ireland, respectively, from 1814 to 1842 inclusive, was computed upon the average produce of each tax, during the five years next preceding its partial or total Repeal. Now, take the year 1816, for instance; the amount of taxes repealed for Great Britain was 17,033,169*l.*, and for Ireland 163,155*l.* But of this 17,000,000*l.* for Great Britain, no less than 14,942,000*l.* was the Repeal of the Income Tax. How much of that burthen did Ireland bear? How much of such a burthen does it bear now? Why, at this moment Ireland is exempt from two taxes, namely, the Income Tax and the assessed taxes, which together amount to about 10,000,000*l.*, or very nearly, one-fourth of the taxation of the United Kingdom. He defied any hon. Member opposite to impugn the correctness of these statements, or the accuracy of the conclusions drawn from them, that Ireland had been treated, in all these respects, with the greatest generosity and liberality. Seeing, at the time that the Motion of the hon. Member for Limerick was brought forward in the last Session of Parliament, that agitation and excitement were proceeding to an extent tending to disturb the public tranquillity, to endanger the lives and property of Her Majesty's subjects, and to set all Government at defiance, he recorded his opinion with his vote, that it appeared to be necessary to put a stop, at once, to proceedings and movements which could no longer be tolerated, with due regard to the public safety, the integrity of the State, and the honour of the Crown; and he, for one, declined to go into the consideration of any Irish grievances, real or unreal, until that agitation should cease, or be put down. He expressed this with kindly feelings towards Ireland and Irishmen, and that there was nothing he would not do for Ireland, but that of being supposed to be goaded by fear, instead of being guided by favour. He had been inclined to think the Government had delayed too long in putting an end to that agitation, but he now believed that they acted right. They had calculated their own means, and when the time came at which they thought fit to act, he congratulated them that they did so effectually, firmly, and at the same time mercifully. He had heard such assertions made use of with respect to the Proclamation for putting down the meeting at Clontarf, as "a fiendish and murderous proceeding." Now, he thought, that whatever may have been the cause of the delay in the appearance of the Proclamation, it was in effect most merciful, because irresistible; every combination was defeated; it was too late to make any other arrangements. With some knowledge of such tactics, he did not hesitate to express his conviction, that if the Proclamation had appeared at an earlier period, other appointments would have been made, other arrangements formed, other positions taken, and that well-timed act, was merciful, because it precluded and defeated all combinations. Now, with respect to the Motion of the noble Lord the Member for London; that noble Lord, after admitting that outrages had existed in Ireland for upwards of a century; that a few pages of parchment cannot eradicate the pressing evils under which Ireland is now suffering; and that for his part, he knows of no direct remedy for these, proceeds to say, it has been objected that neither political franchise nor political power, would put bread into the mouths of the hungry, nor give employment to the unemployed. He agreed with the noble Lord, that the great and pressing evil of Ireland was to be found in the physical and social condition of the people of that country, and he thought that the effect of political agitation was only to inflame them still more. A people must first be reclaimed from that wretched and very backward physical and social condition, in which a great portion of the people of Ireland unfortunately are, before they can either participate in political rights, or discharge properly the arduous duties they impose. The noble Lord then went on to observe, that the participation of political rights and political privileges, are the very first and best means by which you can impart prosperity to a nation. To this he would reply, that not only the history of this country, but the rise and progress of society all over the world proves, that political rights cannot be brought to any degree of practical perfection in any state of society, until the human condition shall have been elevated and cultivated by industry, education, and social order. These are the parents, rather than the offspring of political improvement. The great ameliorating principles are industry, rural industry, improvement in the social condition, domestic habits and economy of every description, leading and extending to manufacturing, trading, and commercial industry. Political privileges and constitutional freedom invigorate and promote the moral and political improvement of a people, when these foundations are properly laid; but if the order be reversed, political agitation and the speculative assertion of political privileges and grievances, far from curing, embitter, rankle, and inflame those evils which wretched social and physical conditions engender. He agreed with the noble Lord the Member for Leitrim, that a constant and watchful anxiety is required on the part of the Government, to improve the condition, and employ the industry of the people; that it is only from these, that real relief can be afforded, and that he regards works for the internal improvement of the country as a step in the right direction. He (Sir H. Douglas) agreed also with that noble Lord—that what Ireland most requires is, an extension and improvement of the middle classes. These comprehend merchants, manufacturers, mechanics, traders, professional men, and capitalists. Well! how are these to be formed? Political theories will not create them. Why by industry, the mechanic arts, education, manufactures and commerce. Thus were those middle classes formed and raised and extended, in England, by our Elizabeth, who has been justly denominated, not only the Queen of the seas, but the founder of the manufactures and commerce of this country. In this way was raised that great portion of the body politic, which forms the main constituent foundation by which we are sent to this House. The hon. Member for Belfast denies that the evils of Ireland are attributable to poverty; but that on the contrary, it is the state of the Franchise, the contraction of the constituency, insufficient representation, and above all, the domination of a corrupt State Church, that are the real woes and grievances of Ireland; and that nothing but removing all these, can be of any use to Ireland. The hon. Member in support of this assertion quoted a very well known and clever periodical, *The Spectator*, an ably conducted journal. He (Sir H. Douglas) read that paper very differently. That Journal asserts, that, though Ireland be rich in natural resources, and may be justly called the flower of the earth, and the gem of the sea, yet those resources require to be called forth by industry,—the flowers cultivated—the habits of the masses raised—the gem polished—before anything effectual can be done, to improve the general condition of Ireland; that were gold spread over the whole surface of Ireland, were the most extended political privileges granted, these would do nothing for Ireland until the physical, social, and moral condition of the people shall have been raised. To do this, a fusion of interests, and not a dissolution of the Union of the two countries is required. He (Sir Howard Douglas) asserted, that this fusion was, and is proceeding, if agitation would only cease its disturbing and destructive operations. The noble Lord the Member for Sunderland, works up his speech to a fearful issue. Well might the noble Lord feel, that he was about to say that which would obtain little sympathy in that House, and still less in the country. The noble Lord says, that the question now at issue, admits not of compromise; that we, on the one hand, stand upon our Acts of Parliament, and maintain our exclusive rights backed by the prejudices of the people of England; while he is persuaded the people of Ireland will yield nothing—that the time for compromise is gone by, and that nothing but the destruction of the Protestant Church in Ireland would now do; that the Irish people ought not to yield, and he (Sir Howard Douglas) feared, that the whole tone and tenour of the noble Lord's speech would be considered, out of doors, the parent of a wish that they the Irish Catholics should not yield; and the noble Lord adds that the struggle will be a permanent one, and may lead to a catastrophe that can only be quenched in blood! Why Sir! what should we stand upon but our Acts of Parliament? And he hoped that the people of England, and the Protestants of Ireland, would not fail to observe the terms in which the noble Lord denominates their principles, prejudices. But Sir, if this indeed be so, that we are at the issue, the fearful issue, to which the noble Lord has brought us, then is it time for the friends of the Constitution, in Church and State, to prepare to stand by the Protestant Monarchy of this Realm. But no; there will be no such struggle;—the struggle out of doors, is over, thanks to the wisdom and firmness of Her Majesty's Government for having stopped those audacious proceedings, and for having brought the leaders to condign punishment. The only struggle now going on, is here, in this House; not for the good of Ireland, but for restoration to power of a party that never did anything for Ireland, and were incapable of doing anything for Ireland, inasmuch as they did not dare, they had not strength, to grapple with, and put down the great monster evil of Ireland, agitation. He would not go back like some hon. Members to periods so remote as the discovery of Ireland, or the introduction of Christianity into Ireland, or what the right hon. Gentleman the Member for Edinburgh calls the annexation of Ireland to England, which, in other words, means a grant made of Ireland to England, by Pope Adrian

III., and its consequent subjugation by England. Whatever may have been the conflicts and exasperations of races, in the course of those contests, the two races would have been fused together, as the right hon. Gentleman the Member for Edinburgh has truly remarked, had it not been for the Reformation. Well! is the Reformation to be regretted? Are we to lament that Protestantism, which spread over the whole of the north of Europe, should have been accepted by Great Britain, and that we should thus have effected our religious and civil liberties, which always go hand in hand; or are we to regret that a small portion of the Irish people should have rejected the blessings and benefits which a vast majority of the people of the British Isles secured to themselves and their descendants to all posterity? He was prepared to do everything for Ireland, consistent with the safety of the Protestant Church; but when he saw the safety of that Church threatened, there he took his stand; and he trusted, that there also the Protestant people of this country would take their stand, in defence of the Protestant Church and Monarchy. There was no doubt that all the Roman Catholics of the world were looking with anxiety at the pretensions and movements of the Roman Catholics of Ireland; but the Protestants of this Empire know and feel that the eyes of the whole Protestant world were fixed upon them; for to this country they look, as the great bulwark of Protestantism in the Christian world; and he trusted they would firmly stand by their principles, and that their motto would ever be, "No surrender." With respect to the future measures to be pursued towards Ireland, he thought they ought to be measures calculated to promote the agricultural, industrial, and social condition of the people. He did not object to the Registration Bill, nor to extend the Franchise; but will hon. Members opposite be satisfied with extending the foundation, by enlarging the constituency, without increasing the number of Irish representatives in this House? If this be done, an addition must be made to British representatives, in like proportion, to preserve the present equilibrium, as settled by the Reform Bill; but this, without giving more relative power to Irish representation, would only make this House still more unwieldy. The Irish nation has far more power over Imperial legislation, by having a strong and powerful party in this House, than with any number or description of Members in a Local Parliament, as if the Legislative Union were repealed, subject, of course, as the enactment of laws must be, to the Royal Veto, on the advice of the Ministry of the day. Seeing the difficulties in which the late Government was placed, by having against them, a majority of British representation, and that they could not stand without propitiating the aid of Irish representation and Irish agitators, and, in the end, were driven from power, in spite of their support, he always hoped never to see the Conservative party restored to power, until they should have a majority of British representation, so strong, as to defy Irish agitation, and to grapple, at once, with that greatest of all evils. For, when British representation was nearly balanced in this House, the leader of Irish Agitation, speaking of him with all respect, and with due regard to his present position, —that formidable person stood, as it were, upon the beam of the balance, and by a mere shift of his weighty person, and a switch of his tail, could cant the beam as he chose. And thus he did, most unmercifully, override, and effectually control, the late Government. He trusted now that agitation had been put down, the Government would do all in their power for the improvement of Ireland, and he highly approved of the Landlord and Tenant Commission, as calculated to effect much good, by improving the agricultural and social condition of the people of that country. As an old soldier he might perhaps be allowed to say a few words on the meaning of the words "military occupation." Military occupation, he believed, meant the state of a country in which the laws and constitution were for the time suspended, and superseded by military power, and courts-martial assembled to try, condemn, and execute. But was this the state of Ireland? There was, indeed, a large military force there; but a force in perfect discipline, and by which not a single breach of the peace had been committed —a force sent over at the request of the Civil Power, not to suspend, but to secure the supremacy of the laws. And this force was under the command of his gallant Friend, the Lieutenant General, stationed in that country, than whom a more humane man did not breathe. True there was also a large police force, but not so large as in the time of the late Government, by which that force was established. Complaints had been made that this force was too large to be placed under one individual. But was there any individual to whom more safely, than to Colonel M'Gregor, that power and command, could be entrusted? In testimony of that Gentleman's merit, they need but look to his admirable conduct, when the Kent was destroyed by fire in the middle of the ocean. The noble Lord, the Member for Leitrim, had made use of a mode of expression which is said to be peculiar to that noble Lord's country—the noble Lord talked about defending or fortifying indefensible barracks. Defensible barracks was a principle; it formed a regular part of the military system of the Duke of Wellington, as he himself could testify from the instructions sent out to him some years ago when he was commanding a foreign station. But coming to another question brought forward in the present debate; a great deal had been said about the danger that would accrue to the country, from the state of Ireland, in the event of war breaking out with a foreign country. The hon. and learned Member for Liskeard told them likewise to look at Canada. He would only say to the hon. and learned Member, "wait." The distinguished person at the head of the Government in Canada, by an act of firmness and determination of which he (Sir H. Douglas) warmly approved, and on which he congratulated the country, had emancipated himself from the trammels of what had been very generally described a rebel faction. They would now see how far the redoubtable and vaunted principle of responsible Government would go. But he (Sir H. Douglas) would tell some hon. Members opposite, that such a degree of responsibility as that which they appeared to advocate, was inconsistent with the allegiance and obedience of Canada to the Crown of this Realm. Another hon. Member had made, last night, some menacing allusions to the possibility of what might happen in case of war with France. Another hon. Member said let them take care that a forcible dismemberment of the Empire do not take place like that by which the United States were separated from England. He (Sir H. Douglas) might say that that was a case of successful treason;—

"Treason never prospers, what's the reason,
When it prospers, none dare call it treason."

But in the name of the soldiers and the gentry of Ireland, he protested against the supposition that, under any circumstances whatever, they would join in rebellion. He had heard with admiration the sentiment of an hon. Gentleman who said, "whatever may be our difference at home, if an enemy dare invade us, it would be the most certain means of uniting us as one man." Indeed he could oppose historical proof against any aspersion that foreign invasion would be seconded or supported in Ireland. He was old enough to remember the cases of Bantry Bay and Killala. A French force of ten ships of the line and seven frigates, after suffering something from stress of weather, arrived in that Bay, with 20,000 troops on board, in expectation of assistance and cooperation from the people. But the very French Officers who first went on shore to reconnoitre, and prepare for landing the troops, were made prisoners by the peasantry, and the fleet returned to France without striking a blow. At Killala a force landed, invited by certain rebel agents. But they were not supported by the people; they were joined by only a few hundred unarmed peasantry—they were met by a force consisting chiefly of Irish militia, and taken prisoners, execrating those who had deluded them to come over, by representations of the great support they would receive. He had listened with unbounded admiration to one Speech, in particular, delivered on the other side—he did not mean the speech of the right hon. Member for Edinburgh, who though he made a learned, literary excursion over seven centuries, had yet delivered a very unstatesmanlike address—not the ill-timed speech of the noble Lord the Member for London—nor that most mischievous of all speeches, the speech delivered by the noble Lord, the Member for Sunderland.—It was a passage from the speech of the hon. Member for Roscommon. He hoped the House would permit him, in conclusion, to read the minute he had made of the concluding part of that most beautiful speech, and he trusted he should hear from the hon. Gentleman that he had not incorrectly taken down what the hon. Member had so well expressed. The hon. Gentleman said, he wished the Members of the three Kingdoms, in discussing this question, to look on each other as fellow subjects of the same Queen, as fellow citizens, and as brothers in charity, and in every civil right, and as rivals only in the noble and generous emulation of endeavouring to promote the common good of the three parts of the United Empire. Most cordially did he participate in all these sentiments and aspirations; and the Motion of the noble Lord, whatever might be its tendencies in other respects, had at least produced the great redeeming effect, of affording opportunities of embodying, and vehicles for circulating, such sentiments as these from both sides of the House; sentiments which could not fail to be received with the greatest satisfaction, by the people of Ireland, and to promote the real interests of that important part of the Empire.

Mr. *Sheil*; I did not rise last night at the conclusion of the speech of the Attorney General for Ireland, for two reasons. The first was, that that speech did not terminate until nearly twelve, and I despaired of engaging the attention of the House at so late an hour; in the next place, I was anxious that the right hon. and learned Gentleman should afford me an opportunity of looking at the report of the case in which I was engaged fifteen years ago to which he has thought it judicious to advert. I wished to look at that report for the purpose of vindicating myself from what I regard as a very serious charge. I applied to the right hon. Gentleman for the report, and he had the goodness at once to give it me. This House must have been under the impression that I packed a jury, and that it was exclusively Roman Catholic. The House must have thought, that I exercised the prerogative vested in me by the Crown, with the sanction of the Law Officers, for the purpose of placing in the jury-box twelve men, my own co-religionists, and the co-religionists of the person for whose death the prosecution was instituted. The right hon. Gentleman said that he was present on that occasion; I think he will admit the truth of my assertion, that of my conduct in the course of that prosecution the Attorney and Counsel for the prisoner did not complain, and the regular Counsel for the Crown did not intimate that any fault was to be found with my conduct. In order to obtain a mixed jury, I was under the necessity, as the prisoner challenged every Catholic, to set aside Protestants, until I could obtain the religious combination which I desired to effect. It may be said, that I gave the Catholics a majority of one on the Jury; but when you recollect that unanimity was required for a conviction, you will at once perceive that a preponderance of one was of no consequence. If the Irish Attorney General had followed my example in the State Prosecutions, and out of a Common Panel had allowed five Catholics to remain on the Jury, we should have not impeached his verdict. The Attorney General has brought against me a very serious charge —he said that where a man was on his trial for his life, I acted a most censurable part. His book refutes him. I find in it a report of my speech, and in order to prove that I did not hunt down the defendant with a bloodhound sagacity, I hope I shall be forgiven if I read one or two passages, which will show the House the spirit in which the prosecution was conducted. I hope the House will listen to this self-vindication, if not with interest at least with indulgence; and I must say, that I never saw an occasion on which that feeling of the House of Commons was more strongly manifested than it had been last night, in listening to a speech of the right hon. and learned Gentleman distinguished for ability, and let me add, for moral courage. The following is the commencement of the speech made by me in the case to which the Attorney General refers:—

"I am counsel in a case which the Gentlemen to whom the Attorney General habitually confides the enforcement of the law have permitted me, at the instance of the persons interested in the prosecution, to conduct. I trust that I shall not abuse the licence which has been afforded me. I feel that I am invested with a triple trust. The first is that which I owe my client, for whom I do not ask for vengeance, but for that retribution for which the instincts of nature make in the bosom of a parent their strong and almost sacred call. My client is the mother of the boy for whose death the prisoner at the bar stands arraigned. I owe the next duty to Mr. Pearse himself. If I am asked in what particular I am bound to him, I answer that I cannot avoid entertaining for him that sentiment of commiseration which every well-minded man will extend to one who may be really innocent of a crime, the imputation of which is itself a misfortune; and I do assure you (he will permit me I hope, to extend the assurance to himself), that it is with melancholy that I raise my eyes, and see him occupying the place where guilt and misery are accustomed to stand. To him I owe it as an obligation that I should not abuse the advantage of delivering a statement to which his counsel cannot reply. The scriptural injunction inscribed above that seat of justice, admonishes me that I ought not to make any appeal to your passions against a man whose mouth is closed, and to whose counsel the right of speaking, by an equally cruel and fantastic anomaly, is refused by the law '*Operi os meum muto*'—is written there in golden characters, not only to suggest to your Lordship the duty of judicial interposition on behalf of the silent, but also to warn the advocate not to avail himself in any merciless spirit of his forensic prerogative against the man whom the law has stricken dumb. I shall make it superfluous on the part of his counsel, to produce evidence in favour of his character—he is a man of worth and honour and until the fatal event for which he stands indicted, has borne a reputation for peculiar kindness of heart."

After stating the facts I concluded thus:—

"At the outset of my statement I expressed myself in praise of the defendant and as I advance to a conclusion I pause for an instant to reiterate my panegyric. He has been I repeat it up to the time of this incident, a humane and well-conducted man. Let him have the full benefit of this commendation. If it shall appear that under circumstances which constituted a necessity, and in obedience to the instinct of self-preservation he exclaimed 'fire' then I am the very first to call on you to acquit him"

This is not the language of a man actuated by the fierce zeal of a relentless prosecutor; I think it far less vehement than the charges of Judges which we occasionally hear in Ireland. At the conclusion of the evidence, I told the Judge that I thought that no case for charging the defendant with murder had been made out. I do think that the Attorney General, in reverting to a trial which took place fifteen years ago has not acted with ingenuousness, and I am convinced that in the opinion of the House I have freed myself from the imputation that I did not exercise the prerogative of the Crown with the intent attributed to me; and if the right hon. Gentleman had followed the example which I gave him on that occasion—if in the constitution of the Jury in Dublin, he had taken care that there should be five Roman Catholics and seven Protestants upon it—nay, if he had allowed even two, or one Roman Catholic upon that Jury, I think he would have taken not only a more merciful but a more judicious course than that which he did adopt. The Jury that sat in Dublin on the late trial was composed of twelve Protestants, and the House has not yet been apprised of some circumstances connected with their selection. Eight of those Jurors voted against Mr. O'Connell at the several elections at which that hon. Gentleman was candidate for the city of Dublin. I do not mean to say that they had not a most perfect right to do so, or that because they had voted against him they ought of necessity to have been set aside by the Crown, or that they were unfit to exercise the duties of Jurors in his case; but we have first the fact of every Roman Catholic on the Jury List being set aside, and then we have a Jury of persons admittedly hostile to him selected. There was a controversy the other night respecting Mr. Thompson. A doubt was entertained as to the fact whether he had seconded a resolution at a corporation meeting. I believe the fact is now beyond all doubt. The resolution was to this effect: "That this meeting will support and maintain, by every means in its power, the Legislative Union between Great Britain and Ireland." There was another gentleman of more marked politics—Mr. Faulkner. It will be found in *Saunders's News* of the 14th of February, 1840, that at a meeting of Protestants, convened by the Lord Mayor in pursuance of a resolution of the Common Council, and held in the King's Room at the Mansion House, a Mr. Jones is reported to have said—"I call on the meeting by every consideration to stand by their principles, and, above all, to maintain the Protestant Ascendancy in Church and State," and then followed loud and long-continued cheering, with shouts of "No surrender," and "One cheer more." Mr. Faulkner, who was one of the Jury, proposed the third resolution, and that resolution was this—"That this meeting views with deep alarm the Bill introduced into Parliament which proposes to interfere with the municipal corporations in Ireland, and which transfers the rights of Protestants to the Roman Catholic party in Ireland." And on another occasion, in a speech of his, reported in *Saunders's News* of the 13th of April, and also in the *Evening Mail*, Mr. Faulkner called on the meeting to uphold the Protestant Ascendancy in Church and State, and gave the charter toast. Some friend asked what was the charter toast? and Mr. Faulkner said, "I mean the glorious and immortal memory of the great and good King William." That Gentleman ought to have been struck off. I think the House, when it considers the facts of the case, when it looks to the variety of the circumstances connected with the case, will consider these facts to be material in determining whether the Jury were legitimately selected? Mr. O'Connell might have begun his speech to the Jury with the words of the unfortunate Lewis, "I look for judges, but I behold none but accusers here." I turn to the circumstances connected with the prosecution, the Attorney General has overlooked many incidents which he ought to have stated and which he ought to have known would not be kept back. You have obtained what you regard as a victory over the leader of the Catholic people. That victory has been obtained by you through the instrumentality of a Protestant Jury. If it was fairly won, I am free to acknowledge that it is not unnaturally followed by that Ministerial ovation in which the Secretary for the Colonies and the Secretary for the Home Department have not thought it indecorous to indulge; but if that victory has been unfairly won — if, while you adhere to the forms of law, you have violated the principles of justice; if a plot was concocted at the Home Office, and executed in the Queen's Bench; if by an ostensible acquiescence in monster meetings for nine months, you have decoyed your antagonists into your toils; if foully or fortuitously (and whether fortuitously or foully, the result is the same) a considerable fraction of the Jury List has been suppressed; if you have tried the Liberator of the Irish Catholics with a Jury of exasperated Protestants; if justice is not only suspected, but comes tainted and contaminated from her impure contact with authority—then, not only have you not a just cause for exultation, but your successes are of that sinister kind which are as fatal to the victors as to the vanquished—which will tarnish you with an ineffaceable discredit, and will be followed at last by a retribution, slow indeed, but however tardy, inevitably sure. I have presented a double hypothesis to the House. Let us see to which of the alternatives the facts ought to be applied. I shall be permitted in the first instance, to refer to an observation made by the Secretary for Ireland in reference to myself. The noble Lord said:—

"He must now advert to something which had fallen from a Member of that House out of doors regarding Chief Baron Brady, and Mr. Anthony Blake. It had been observed by Mr. Sheil, that an insult had been offered to the Catholics of Ireland, because those Gentlemen had not been summoned to a meeting of the Council. He believed Chief Baron Brady was a Protestant. But let that pass. He took on himself the responsibility of not summoning those Gentlemen to the Council. He thought that the measure determined on was the deliberate act of Government, and he did not, therefore, think it proper to ask the opinion of political opponents."

What I said was this: "A circumstance occurred connected with the Proclamation which is not undeserving of note. It has always been the usage in this country (Ireland) to summon every Member of the Privy Council. Upon this occasion the Chief Baron, although living in the neighbourhood of Dublin, was not summoned, and Mr. Blake, a Roman Catholic, who lives in Dublin, was not summoned. He was appointed to the office of Chief Remembrancer by a Tory Government. He had been the intimate friend of Lord Wellesley, a great Conservative statesman. He had never taken any part in any violent proceedings, but he was not summoned upon this occasion, although summoned upon every other to the Privy Council; while the Recorder of the city of Dublin, by whom the Jury List was to be revised, and in whose department an accident of a most untoward kind had happened, was summoned to the Council whence the Proclamation went forth." That was what I said, and I take advantage of this opportunity to add, that if Mr. Blake had been at the Privy Council on Friday, he would have urged his associates not to delay the posting of the Proclamation until Saturday, but would have told them, that, without any long recitals, immediate notice should be given to the people of the determination of the Government. Notice of the Clontarf Meeting was given for three weeks. It was to have been held upon Sunday. On the preceding Friday the Council assembled. On that day the Proclamation ought to have been prepared and posted. I did not appear until Saturday afternoon, and the country is indebted to Mr. O'Connell, if upon an unarmed multitude an excited soldiery was not let loose. The Proclamation was obeyed. With that obedience you ought to have been contented. The monster meetings were at an end; but you had previously determined to prosecute for a conspiracy, and for that purpose you lay in wait for nine months, and that you did the Proclamation itself affords a proof. The Proclamation recites—

"Whereas Meetings of large numbers of persons have been already held in different parts of Ireland, under the like pretence, at several of which Meetings, language of a seditious and inflammatory nature has been addressed to the persons there assembled, calculated and intended to excite disaffection in the minds of Her Majesty's subjects, and to bring into hatred and contempt, the Government and Constitution of the country, as by law established; And whereas, at some of the said Meetings, such seditious and inflammatory language has been used by persons, &c."

If this statement be true, why did you not long before indict the individuals by whom those seditious speeches were delivered? Why did you not prosecute the newspapers by which inflammatory paragraphs had been almost daily published, for a period of nine months? The motive was obvious. It was your purpose—your deliberate and long meditated purpose, to make Mr. O'Connell responsible for harangues which he had never spoken, and for publications which he had never read. I content myself with giving a single instance, which will afford, however, a perfect exemplification of the whole character of your proceedings. A Catholic Priest published an article in the *Pilot* newspaper, upon "The Duty of a Soldier." He signed his name, James Power, to that article. He was never prosecuted—he was never threatened; he has escaped with perfect impunity: but that article was given in evidence against Daniel O'Connell, by whom it does not appear that it was even ever seen. Such a proceeding never was instituted in this country—such a proceeding, I trust in God, never will be instituted in this country—for Englishmen would not endure it; and this very discussion will tend to awaken them to a sense of the peril to which they are themselves exposed. Does not the question at once present itself to everybody, if that seditious language was employed for so long a period as nine months, why did you not prosecute it before? Why did you not prosecute such an article as this which I hold in my hand, and which was published so far back as the 1st of April, 1843. You might have proceeded by criminal information or indictment, for the publication of a poem in the *Nation* newspaper, on which Her Majesty's Attorney General entered into a somewhat lengthened expatiation in addressing the Jury, and declared it to be a poem of a most inflammatory character. I allude to verses entitled, "The Memory of the Dead."

"Who fears to speak of Ninety-eight?
Who blushes at the name?
When cowards mock the patriot's fate,
Who hangs his head for shame?
He's all a knave, or half a slave,
Who slights his country thus;
But a *true* man, like you, man,
Will fill your glass with us.

"We drink the memory of the brave,
The faithful and the few—
Some lie far off beyond the wave,
Some sleep in Ireland too;
All—all are gone—but still lives on
The fame of those who died;
All true men, like you, men,
Remember them with pride.

"Some of the shores of distant lands
Their weary hearts have laid,
And by the stranger's heedless hands
Their lonely graves were made.
But though their clay be far away
Beyond the Atlantic foam—
In true men, like you, men,
Their spirit's still at home.

"The dust of some is Irish earth;
Among their own they rest;
And the same land that gave them birth
Has caught them to her breast;
And we will pray that from their clay
Full many a race may start
Of true men, like you, men,
To act as brave a part.

"They rose in dark and evil days
To right their native land;
They kindled here a living blaze
That nothing shall withstand.
Alas! that Might can vanquish Right—
They fell and passed away;
But true men, like you, men,
Are plenty here to-day.

"Then here's to their memory—may it be
For us a guiding light,
To cheer our strife for liberty,
And teach us to unite.
Through good and ill be Ireland's still,
Though sad as their's your fate,
And true men, be you, men,
Like those of Ninety-eight."

No man in the Court, who heard this poem recited by the right hon. Gentleman in the most emphatic manner will deny, that it produced a great effect on the Jury. The Attorney General stated, that this was but a single specimen of the entire volume, and that it very much exceeded in violence the productions of the same character in the year 1797. If the description is true, this poem having been published on the 1st of April, and a series of compositions, in prose and verse, of the same kind having appeared for several successive months, does not every man who hears me ask, why it was that proceedings were not taken for the punishment of the persons by whom such articles were published, and for the prevention of offences to which such evil effects were attributed. My answer is this—you had determined to prosecute for a conspiracy, and you connived at meetings and publications of this class. You allowed these papers to proceed in their career, to run a race in sedition, and to establish a complete system for the excitement of the public. You did not prosecute the authors of the articles, or their publishers, at the time they were published. You afterwards joined in the defence the editors of three newspapers, and you gave in evidence against Mr. O'Connell every article published in 1843. Was that a legitimate proceeding? Has there been a precedent in this country of such a proceeding? Has there been an instance of a man indicted for a conspiracy, being joined with these editors of newspapers, and of the articles of those newspapers being given in evidence against him? You might tell me that the mode of proceeding was legitimate, if there were no other mode of punishing the editors of those newspapers. But was there no other mode? Could not those publications have been stopped? Could not the channels by which sedition was circulated through the country have been closed up? Therefore, we charge you with having stood by—(I adopt the expression of the Attorney General) with having stood by, and with having, if not encouraged, at least permitted very strong proceedings to be adopted by the popular party, when you thought your purpose had been obtained, you then fell on the man whom you had inclosed within your toils. I come now to the observations of the Attorney General regarding Mr. Bond Hughes, and I confess myself to be not a little surprised at them. He said that Mr. Bond Hughes had been denounced as a perjurer, and spoke of us as if we had painted him in colours as black as those in which Roman Catholic Members of Parliament are occasionally held up to the public detestation; but he kept back the fact that Mr. Bond Hughes did make two signal mistakes in his information, and which he himself acknowledged to be mistakes, which before Mr. Bond Hughes was examined did produce no ordinary excitement. Not one word did the Attorney General say in reference to a most remarkable incident in these trials. The facts stand thus:—Mr. Bond Hughes had sworn in his information that he had seen Mr. Barrett at two meetings in Dublin. It was of the utmost importance to the Crown to fix Barrett, in order to implicate him with Mr. O'Connell. Mr. Bond Hughes sees Mr. Barrett at Judge Burton's chambers, and turning to Mr. Ray, the chief clerk of the Crown solicitor, informs Mr. Ray that he was mistaken with respect to Mr. Barrett, and that he had not seen him at the Dublin meetings. He suggests to Mr. Ray that something should be done to correct his misapprehension. Ray says nothing. Bond Hughes then applies to the Crown Solicitor himself, to Mr. Kemmis, and represents to him the painful predicament in which he is placed; Mr. Kemmis says nothing. Bond Hughes accompanies Mr. Kemmis to his house, and no rectification of that signal mistake is made. Mr. Bond Hughes stated all this at the trial, which the Attorney General, although he went into exceedingly minute details, entirely forgot to mention. It is quite true that Mr. O'Connell at the trial acquitted Mr. Bond Hughes, but I leave it to the House to determine how far Mr. Kemmis should be relieved from blame. But lest you should think I am varnishing, or impeaching wantonly, the character of this immaculate Crown Solicitor—you who charge us with tampering with Mr. Magrath, a man at this moment in the employment of the Recorder—I will read to you the statement of Mr. Bond Hughes, of which the Attorney General said not a word, because, I suppose, he thought it not at all relevant. Probably he supposed it to be a work of supererogation to set the public right with respect to any unfortunate misapprehension of Mr. Bond Hughes. The following is the evidence he gave:—

"Turn to Monday, the 9th of October—I mean the meeting in Abbey-street. Can you enumerate the persons present of the traversers?—There were present Mr. John O'Connell, Mr. Daniel O'Connell, Mr. Steele, the Rev. Mr. Tyrrell, Dr. Gray, Mr. Duffy, and Mr. Ray.

"Then Mr. Barrett was not amongst them? —He was not.

"Then I presume you did not see at that meeting Mr. Barrett?—No. I made a mistake in saying he was there.

"You made that mistake on a previous day, not this day?—I made the mistake on the occasion I refer to, and I corrected it as soon as I possibly could.

"Then Mr. Barrett was not present? He

did not deliver a speech upon the occasion?—He did not.

"The Solicitor General has not asked you about a dinner at the Rotunda. Were you there in your capacity as a reporter?—I was.

"I believe then I may assume as a fact that Mr. Barrett was not at that dinner?—No, he was not there.

"Of course he made no speech at the dinner?—No, he did not. Somebody else made a speech for him. I was misinformed.

"You mistook some one else for Mr. Barrett on the second occasion?—I did, and I corrected the error as soon as I possibly could.

"I think you stated, in answer to a question, that in justice to yourself, you felt it your duty to correct the mistake at the earliest period you could?—Yes.

"Were you at the house of Judge Burton when the informations were to be sworn?—I was.

"Did you see Mr. Barrett there?—I did.

"Did you, on that occasion, depose to the informations?—No; I did that on a prior occasion. I had sworn to the affidavits, and I made an amended affidavit on the second occasion.

"Did I understand you to say that you corrected that mistake about Mr. Barrett on a subsequent occasion?—I did not.

"Were you present at the occasion when Mr. Barrett was held to bail upon the informations previously sworn against him?—I was.

"And you saw him subscribe the recognizances?—I did.

"Did you then and there correct the mistake?—I did, on the instant.

"Oh, I mean as to the name of Barrett?—Yes; I told Mr. Ray and Mr. Kemmis.

"Were they there attending on the part of the Crown?—Yes; they were.

"Did you speak to Mr. Kemmis on the subject—No; he was engaged taking the informations, but immediately after we got out of the room I communicated it to Mr. Ray.

"Let us have no mistake here. I suppose you don't mean Mr. Ray, one of the traversers?—No; I mean Mr. Ray, the managing clerk of Mr. Kemmis.

"And did you, before you left the house of the Judge, apprize these two persons of the mistake?—I did, as we were leaving the house. I said I had a doubt about Mr. Barrett.

"When did you say that?—I said it when we were leaving the Judge's chamber.

"What did Mr. Kemmis say?—I spoke chiefly to Mr. Ray.

"What did Mr. Kemmis say?—I don't recollect.

"How far was it from the Judge's house?—As we were going through Kildare-street.

"Before you came to Mr. Kemmis's house?—Yes.

"Cannot you recollect what Mr. Kemmis said on that occasion?—I cannot.

"Did he say it was too late to correct the mistake?—He did not.

"Did he make no observation?—I don't remember.

"And there it was left?—There it was left.

"Now you mentioned the matter to Mr. Ray. Was it in Judge Burton's chamber?—It was in the passage, as we were leaving the room.

"Mr. Barrett was then in the house?—He was: we all left about the same time.

"What did you say?—That I had been mistaken with regard to Mr. Barrett, and I doubted whether he had been at the Rotunda or Calvert's Theatre; that I had heard his name mentioned, but was mistaken as to his identity.

"What did Mr. Ray say?—I don't remember what he said.

"Very extraordinary that you should not recollect what was said on so important an occasion. Did not Mr. Ray return?—No.

"And no further steps were taken by you?—I thought when I had put them in possession of the mistake, that I had done all that was necessary. I did not think the question of identity would have been left to me.

"You had no doubt about the mistake?—I was satisfied as soon as I saw him, that he was not the person.

"How long was it after the mistake about Mr. Tierney that the mistake was corrected.—In about three days afterwards.

"That was merely a mistake about the christian name?—Yes.

"The other mistake remained uncorrected. Did you apprize Mr. Barrett of it?—No; I thought I had done all that was necessary when I had apprised the Officers of the Crown of it."

Great stress is laid by the Attorney General on the sworn and unsworn statements of Mr. Kemmis. He told the Attorney General this, and he told the Attorney General that, but he did not rectify the errors in Mr. Bond Hughes' affidavit. Now, I think the House must wonder that a person like the Crown Solicitor should have been guilty of a sin of omission such as I have described; and in the next place, what is more extraordinary, I think the House must be not merely surprised, but astonished, that when the Attorney General made it a matter of accusation against Mr. O'Connell that Bond Hughes was the subject of imputation, and had been calumniated, he did not state that Bond Hughes had been mistaken, and had actually supplicated the Crown Solicitor to rescue him from his difficulty. I wonder if Mr. Kemmis mentioned it to the Attorney General himself? Did he so, or did he not? Oh, last night you thought that the Attorney General had made out a triumphant case. [*Loud cheers from the Opposition, met by counter cheers from the other side.*] Do you consider this a fitting matter for exultation. [*Conservative cheers renewed.*] I must say, I cannot enter into your peculiar views, or appreciate the excellence of Tory ethics. [*Loud Opposition cheering?*] If these things be to you " tidings of great joy," I should be loath to disturb your self-complacency. I pass from a topic upon which I have said enough. No further comments are required; but let it be remembered, that those Gentlemen who charge us with the corruption of Mr. Magrath, who sought—to use a rather vulgar phrase—to turn the tables upon us by a somewhat clumsy expedient—have themselves in the transaction I have mentioned, adopted the course I have described, and respecting which it is unnecessary for me to say one word more. But, to proceed to the other facts of the case:—The Bills are found. The names of the witnesses on the back of the Indictment are demanded by the Defendant, that was a reasonable demand. In this country, united with Ireland—and I hope you will extend to Ireland the same principles and habits of liberty by which you are governed—in this country the practice has uniformly been to furnish the names of the witnesses on the back of the indictment. Am I not right? The hon. and learned Attorney General for England will do me the favour to correct me if I am mistaken. The hon. and learned Gentleman intimates by gesture, that is the practice in this country. We applied for the names of the witnesses; we received a peremptory refusal. You asked for a trial at bar, you wished to have four Judges. One of those Judges was Mr. Justice Perrin. When it was convenient, the right hon. and learned Attorney General relied upon the unanimity of the Court, but when they disagreed he barely glanced at it.

The *Attorney General* (for Ireland) was understood to say that he had stated the Judges were unanimous in their judgment.

Mr. *Sheil:* They allowed the Chief Justice to charge the Jury; they concurred with the Chief Justice in his view of the law. But do you not think any attention is to be paid to their dissent? If from their harmony you deduce consequences so valuable, from their discord are not some inferences also to be drawn? It is the practice to give the names of the witnesses in England. Judge Perrin declared that he thought that in Ireland also it was a matter of right to give those names. That was a solemn decision upon the point. Judge Burton, an Englishman, with some remnant left of the feeling for which his countrymen are distinguished, said, he thought that although it was not a matter of right, it would be judicious on the part of the Crown to give the names. Mr. Whiteside, the eloquent Counsel for Mr. O'Connell, at the conclusion of the case made a most reasonable suggestion. The Attorney General resisted it, on the ground that it would introduce a new practice. I think that the right hon. and learned Attorney General, when he went into all those minute details of that part of the case yesterday, would have done right had he mentioned the opinion of Mr. Justice Burton, the decision of Mr. Justice Perrin, and the offer made by Mr. Whiteside on behalf of the defendant. Let the House bear in mind, and let the country bear in mind, that an application never resisted in this country—admitted by the hon. and learned Attorney General for England to be always granted as a matter of right—was by Her Majesty's Attorney General for Ireland, God knows for what reason, peremptorily rejected. I admit that the right hon. and learned Attorney General agreed to the postponement of the trial upon two grounds—the first, that time was required to prepare a proper defence, as it obviously was when it was remembered evidence had to be given regarding forty-one meetings on behalf of the Crown; and on the second ground, that there were but twenty-five Catholics upon the Panel for 1843, while it was perfectly manifest that a much larger number of Catholic Jurors ought to have been upon the Special Jury List. But I deny that the Court refused the application. My impression, on the contrary, was, that the Court determined to grant the application. It was obvious that one of the Judges at least was so disposed. But let me not be mistaken. I do not mean to say that that was distinctly stated by the Court, what I say is this—Judge Burton expressed his astonishment that there were only twenty-five Catholics on the Jury List, and when that surprise was expressed, the Attorney General, having against him an irrisistable case, agreed to the postponement of the trial, with the view to give the parties time to prepare their defence, a course he could not avoid, and also in order that the case should not be tried before a most erroneous panel. I do not wish to deny the merit of the right hon. and learned Attorney General, but had he insisted upon going at once to trial with a Panel admitted to be utterly imperfect, and denounced by the right hon. and learned Recorder himself as most imperfect; surely an imputation would then have rested upon him far stronger than that which at this moment attaches to him, and, in my opinion, not without reason. I come to the suppression of a portion of the Jury List. It is right that the House should be apprised that counsel were employed on behalf of the Repeal party and on behalf of the Conservative party, when the Recorder was going through the parochial lists, and that every name was a subject of as much contention as a vote at an election. The Recorder's Court became the arena of the fiercest political contention. But I will begin by declaring that in the adjudication of the parochial lists the Recorder acted with the most perfect fairness, and I have no hesitation in saying that I believe he would rather that his right hand should wither than use it in an infamous mutilation of the Jury List. I entirely acquit him of impurity of motive. But, having made this statement, he will forgive me for saying that I do think it was his duty to have personally superintended the ultimate formation of the Jury List, and if he had superintended it the mutilation of the Jury List would not have taken place. He complained that he had been made the object of the vulgar abuse of hired Counsel. He once belonged to the band of mercenaries himself, and might have spared the observation. But I do not think it either vulgar or vituperative to state that it would have been better if he had remained in Dublin after his judicial duty had terminated, and when his ministerial duty had commenced. I admit as an excuse, almost as a justification, that he had great inducement to proceed to England; for the *Evening Mail*, the recorder of great public events, did not omit to watch the movements of the right hon. Gentleman, and stated, under the head of "Fashionable Intelligence," that the right hon. Gentleman, having left Ingestre, proceeded to the residence of that distinguished Statesman, who in all likelihood was anxious to consult the Recorder on the proposed augmentation of the grant to the Education Board. And, may I be permitted to add, parenthetically, that upon the subject of Education in Ireland a judicious taciturnity has been observed by the right hon. Gentleman. No one will suspect that the right hon. Gentleman connived at, or had the slightest cognizance of any misdeeds which may have taken place in the transcription of the Jury List. I entirely and cheerfully acquit the Attorney General of every sort of moral imputation, but circumstances did take place in reference to this List, upon which Mr. Justice Perrin remarked in open Court, that there were grounds for apprehending that something had occurred which was worse than accident. Mr. Kemmis made an affidavit in reply, but he did not contradict the fact. There never was an affidavit in reply to that of Mr. Mahoney respecting the fact, although other affidavits were subsequently made, and ample opportunity for contradiction was afforded. What is the case made out against us by the other side? But the Attorney General more than insinuates, because Mr. Magrath is a Catholic, the traversers, or some underlings connected with them, tampered with him. That is the charge made, without a possibility of sustaining it. Does the Recorder assent to this assault on the character of a person still in his employment? How frontless and how preposterous is the imputation! Does any one believe, or can any one, by the utmost stretch of credulity, bring himself to believe, that the defendants would substract a list of one parish, containing fifteen Catholic names. in order that not one of them might be called on the Jury? Yet that is the insinuation made by Her Majesty's Attorney General for Ireland. Is this a fair mode of proceeding? When the Attorney General makes a charge of this kind he ought to invest it with plausibility; but the Attorney General forgot that the defendants put the very charge in issue in their challenge; why did he not venture to controvert it? We are charged with corrupting a public officer whose livelihood depended upon good faith in the performance of his duties—for what? For the purpose of removing Roman Catholics from a panel to try Roman Catholics? Is that plausible? Could such assertions be received by acclamation except by Gentlemen who had been affected by the eloquence of the right hon. and learned Gentleman. The speech itself, indeed, of the right hon. and learned Gentleman I was disposed to cheer, but when I found that cheers were raised for a man who was blasting the character of another, I was astonished both at the want of just feeling on the part of the Attorney General, and that such an accusation, destitute of proof, without plausibility, should be received with acclamations by a British assembly. What took place when the discovery was made of these missing names—I do not care whether they were sixty, or twenty-four, or twenty-seven? The noble Lord opposite very justly says they were balloted for, and selected by chance. That may be a good or a bad principle, but the chances should be equal on both sides. The Judge in Rabelais had a dice-box, and threw for the plaintiff and defendant; but he did not load the dice. You remember the old practice in the House of Commons of ballotting, when the names of Members were put in glasses. Suppose in such a case, the names of twenty-seven Tories were left out. Of course, hon. Members, bound by their oaths, would be as incapable of doing anything unjust or improper as a Protestant Jury, but what would the Tories say in such a case? Would they not say, give us a new Ballot? Put the twenty-seven names back. But whether the Jury List was lost, or whether it was stolen, there are two facts connected with it of no ordinary moment. When the Jurors' List was applied for to the Recorder by the traversers, he expressed his anxiety to give it if the Crown would consent to his doing so. He told us that he sent the Clerk of the Peace to the Crown solicitor to ascertain whether the Crown would consent to that which the Recorder himself thought most reasonable and just. The Crown refused. The second fact is of the same character. An application was made to the Sheriff for the List, and the Crown refused to consent. What was the result? That till the very last moment, the traversers' attornies had no knowledge of the state of the Jurors' book. A motion is made to quash the Panel. An affidavit is sworn stating that twenty-seven Catholics were omitted. The Solicitor General makes an affidavit, and does not deny the fact. Judge Perrin declares that in his opinion, there is ground for strong suspicion that foul dealing had been practised. An offer is made by the traversers to have the names restored to the Panel. The Crown refused to agree. An offer is then made, and it clearly might have been done by consent, to have a new Ballot, to put the omitted names into the Ballot box, and that offer is also refused. The consent would have bound both parties, and that which the law contemplated would have been accomplished. The Attorney General, notwithstanding that he professed to detail everything that had happened with the most scrupulous exactness, did not say a syllable about the challenge to the array. He talked of Pearse's case, and Lord Hawarden's case, and fifty other cases, but not a word about the challenge; and for a very good reason, that Judge Perrin declared the challenge to be good, and the Panel to be void. A challenge to the array takes place, and it is alleged in the challenge, and put in issue, that sixty names had been omitted from the Jury List, and that the omission was fraudulent and corrupt. That fact the Crown refused to try. The following are the words of part of the challenge:—

> "And the said defendant further says, that a certain paper writing, purporting to be a general list, made out from such several lists so corrected, allowed and signed as aforesaid, was illegally and fraudulently made out, for the purpose and with the intent of prejudicing the said defendant in this cause."

What reason has the Attorney General given for not joining issue on that important allegation—an allegation sustained by Judge Perrin's previous unequivocal expression of his opinion? It might have been tried at once by the officer of the Court, but a demurrer was preferred. Now mark what happens. We put at issue two facts—the loss of the names, most material—the fraud, still more. Was it not the duty of the Crown, under these circumstances, to have joined issue with us? If they had joined issue, there would have been an end to our objection; and if the point had been decided against them, then, of course, the Panel must have been altered, or some steps adopted. How did the Court decide? Was the Court unanimous? Mr. Justice Perrin, who introduced the act into Ireland, which belonged to the Reform code of the right hon. Baronet opposite—Mr. Justice Perrin, who knew the object of the Act—who was familiar with all its details—by whom its machinery, so to speak, had been in part altered and adapted—Mr. Justice Perrin decided that the challenge was good. But Government went to trial, one of the Judges having declared that the source from which justice flowed had been corrupted. A learned Friend suggests to me that a demurrer always admits the fact but I will be candid on that subject. A demurrer admits the fact, for the purpose of argument only. I did not dwell upon that point because it was in some sort a legal fiction. I went to what was much more substantial. The Crown had the opnity of ascertaining a fact of the utmost materiality; the Crown shrunk from that investigation. You then went on with the case with the Protest of one of the Judges against you, and a verdict you have obtained, by the intervention of a Jury condemned by one of the Judges who sat in that Court. If all of the Judges were unanimous as to the abstract law, as stated by the Lord Chief Justice, they were not unanimous as to the verdict, because one of the Judges condemned the Panel which was the foundation of the verdict, and if the Panel be shaken, the entire superstructure raised upon it must, of course, fall to. I come now to another portion of this case—the striking-off of Roman Catholics from the Jury. But I see I am occupying the attention of the House at too great a length; but it is a case of paramount importance. It is a case in which I was Counsel, and, of course, took a very warm interest in it—it would be strange if I did not—and I believe I am, to a certain extent, better acquainted with the facts than others can be, and I conscientiously believe I have not stated anything that departs in the slightest degree from the facts. With respect to the striking-off of the Roman Catholics, it is said by Mr. Kemmis that there were ten on the list of forty-eight Jurors. Now, eight of those ten I at once admit were properly struck off. I cannot for a moment pretend that eight members of the Repeal Association, or persons who were subscribers to its funds, ought to have been retained on the Jury. I could no more contend for it than that you should contend that Mr. Sheriff Faulkener should have been upon the Jury. But there were two names struck off who were Roman Catholics, but who were neither Members of the Repeal Association, nor subscribers to the Repeal Fund. Mark the affidavit of Mr. Kemmis, put it in the disjunctive—he believes that the ten persons struck off the list were either members of the Repeal Association, or had subscribed to its funds. Henrick is a Roman Catholic; what course has been taken about Henrick? The noble Lord the Secretary of State for the Colonies, who appears to know more about this part of the case than the Irish Attorney General, told us that Henrick was considered to be a Protestant, and a Conservative. Who told him so? [Lord *Elliot*: Mr. Kemmis.] Mr. Kemmis did not swear it. It never was mentioned until this debate had commenced. You start a new case or new pretext every moment, and that new pretext is grounded on nothing better than an asseveration of his belief by the Crown Solicitor regarding a fact, in reference to which he was most egregiously mistaken. Henrick was not a member of the Repeal Association. He never subscribed to the Repeal Rent. He is a Roman Catholic. It is sworn that he is. I requested my hon. Friend, the Member for the county of Wexford, when this matter was in agitation, and who was acquainted with Henrick, to ask him two questions: first, whether he was a Roman Catholic; and next, whether he was a member of the Repeal Association, or a subscriber to the Repeal Fund? The answer was that he was a Roman Catholic—that he was not a member of the Repeal Association, and that he had never subscribed to its Fund. But you now make a new case, and say that you thought he was a Protestant, and a Conservative. Come to the case of Michael Dunne. You do not pretend that Dunne was either a member of the Repeal Association, or a subscriber to its funds. But you believed that he might have signed a requisition for a Repeal meeting, though even that allegation is not positively made. But is there no distinction between being a Repealer and being a member of the Association? Is there no distinction between being an advocate of Free-trade and a member of the Anti-Corn-law League? If Mr. Cobden, and Mr. Bright, and Mr. Villiers, and the *Globe* newspaper, and the *Morning Chronicle*, were indicted to-morrow for a conspiracy, would the Crown be justified in setting aside, as a juror, every man who had signed a requisition in favour of Free-trade, or had signed a requisition in favour of the repeal of the Corn-laws? Or suppose that in 1831 the Tories had come into office, and had indicted the Whigs for conspiring to carry Reform by intimidation, for corresponding with the Birmingham Union, and for "swamping the House of Lords," would there be no distinction made, in empanelling a jury to try those revolutionary delinquents, between an advocate of Reform, and a member of that seditious association commonly called Brooks's Club, in which I had once the good fortune of hearing a most eloquent speech delivered against the Duke of Wellington by a great orator, who, mounted upon a table through whose planks he almost stamped, poured out an incendiary harangue, amidst enthusiastic acclamation and rapturous applause. But let us go back to the Jury. The Panel was bad, and was so declared by the Judges. You adopted the course requiring that every Roman Catholic should be struck off the List. Would it not have been wise if the Crown had given its consent that some Roman Catholic should be left on the List. I deny that if the Crown had consented to the formation of a new Panel there would have been any objection on the part of the traversers; and in that case, if the traversers afterwards attempted to controvert the verdict, they would clearly have been stopped by their own proceedings. But suppose no consent had been given, was there not another expedient that might have been adopted? Could not the rule for the Special Jury have been discharged? The Sheriff for the city of Dublin is a gentleman of the highest respectability—Mr. Latouche. When the Municipal Bill was passing you took the appointment of the Sheriffs from the corporation. You left that appointment to the corporations in England. You did not take the appointment from cities here; but when you came to deal with us, you took the appointment of the Sheriff from cities, and vested it in the Crown; because you said that if the new corporations appointed the Sheriffs, they would be just as bad as the old. I do not say whether the course you took was right or wrong, but when the Crown assumed the right of appointing the Sheriff, they might most safely and wisely have left to the Sheriff the appointment of the Jury in this case. You use the words Common Jury, an expression, generally speaking, which means men selected from the inferior classes. Now, the Jury that tried this case, were comparatively speaking, taken from the inferior classes. There were on it Protestant grocers, Protestant piano-forte tuners, and Protestant tanners. Perhaps it would have been better if persons of a higher class had been selected; but I must admit, that there is one advantage in making the middle classes the depositaries of political power, and that the middle classes are animated with as high a sense of honour and of duty as the first patricians in the land. I should never quarrel with the Jury if they had not been composed of political antagonists. An expression was used by my right hon. Friend the Member for the City of Edinburgh, which has strongly excited the ire of the Attorney General for Ireland. My right hon. Friend had said that if there had been a Common Jury the Attorney General for Ireland would not have dared to set by the Roman Catholics, whose names might be on the List. To this the Attorney General for Ireland has replied, "I would have dared!" and certainly no one can deny his intrepidity. But what my right hon. Friend meant was this—that the Crown, controlled by public opinion—controlled, if not in Ireland, at least in this country by public opinion, acting under the coercion of British sentiment, would not have ventured upon an act at once so culpable, and so imprudent, as to strike off names of the highest respectability because they were Roman Catholics. Therefore, if you were sincere in the manifestation of your desire that the Roman Catholics should be capable of acting on that Jury, you had a very obvious mode of carrying your purpose into effect and of realising that desire; for when you found the mistake on the Panel by all the Roman Catholics being excluded, you might have got a Common Jury, and in that case the verdict would have been unimpeachable, and all the controversy which has taken place, and all its consequences, and all the natural and inevitable irritation, might have been avoided. Under these circumstances, is it wonderful, that in Ireland great excitement should have taken place? Is it astonishing, that the Roman Catholics of Ireland should have felt indignant to a man on the subject? Is it wonderful that great public meetings should have taken place in every district of the country to take the subject into consideration? Were these Meetings called by factious men? At the head of them stood Lord Kenmare, one of the advocates of the Union—a man of large possessions, of very ancient birth, and a man highly allied in this country. That Nobleman felt that these proceedings were an insult offered to him; he, therefore, not for the purposes of partizanship, not to gratify any political passion, not from any predilection in favour of Mr. O'Connell, signs a requisition to call a public meeting to complain of the course pursued by the Crown. There was another circumstance which gave an additional poignancy to the feelings of the Roman Catholics; that circumstance was this, and as the Attorney General for Ireland thought it judicious on his part to advert to the course I pursued on a trial at Carrick-on-Suir,—he will excuse me if I refer to something which concerns himself, and to an occasion on which he made himself most conspicuous in Ireland. I do not mention this for the purpose of malevolence—I bear no ill-will to the right hon. Gentleman—I have no motive for ill-will—he never did me wrong; and that that right hon. Gentleman should have imagined that a conspiracy was formed against him at the Bar, for the purpose of wounding his feelings, and injuring his prospects, was a most unfortunate hallucination on his part. I beg, on my honour, to assure him that no such intention was ever entertained. But he is a public man, and considering that, and in the management of the important duties it has imposed upon him, he did not exhibit any great delicacy towards others, he must expect, that when his political antagonists scrutinize his motives and his conduct, they will ask what manner of man this must have been, and what course has he pursued? He last night alluded to my conduct at a trial which took place many years ago; and he said, also, that he was sorry for what he had said at the meeting which he attended in 1837. As being contrite, he is to be forgiven. But when the Roman Catholics of Ireland come to compare the course pursued by the Attorney General, at the late Trial in Dublin, with the opinions he had previously expressed—it was impossible that their suspicion should not be confirmed, that unfair dealings were practised in their regard. The House is already aware of the course pursued by the right hon. Gentleman upon the Education question—a question upon which the Recorder of Dublin took care to spear his right hon. Friend, when he endeavoured to escape from it. But the right hon. Gentleman had distinguished himself still more upon another question. In the year 1837, a great Protestant Meeting was held in Dublin—speeches and resolutions of the most violent character were made and passed at that Meeting. One of the Barristers who took part in those proceedings has been made a Master in Chancery; two of them have been made Judges, Lefroy and Jackson; and the right hon. Gentleman himself has been made Attorney General by a Government which professes to govern Ireland without reference to party. At that Meeting a resolution was passed declaring that the Protestants of Ireland were in as perilous a condition now, as they were in 1641, when the most frightful massacres of Protestants are said to have taken place. But what did the right hon. Gentleman say at that meeting? He said that Roman Catholics in Parliament had no regard to their oaths. That declaration, censurable as it was, was more manly than if he had dealt in insidious hints and despicable insinuations. But, surely, when the public functionary by whom that language was uttered caused ten Roman Catholics to be struck off from the Special Jury, it was impossible not to connect that proceeding with his former conduct—it was impossible not to attribute it to the most offensive motives. Meetings took place in almost every district in Ireland, and even the Roman Catholics of England were stirred into resentment. They are, to a man, opposed to the Repeal of the Union. But this outrage to the feelings of every Roman Catholic in the Empire they could not endure. When the First Lord of the Treasury came into office, Lord Shrewsbury addressed a letter to Mr. O'Connell, calling on him to support the present Administration. But the blood of the Talbots has caught fire—the first Earl in England denounces the gross affront offered to the religion of that community of which he is an ornament. The following letter was written by Lord Shrewsbury to Lord Camoys, on the occasion of the latter noble Lord presiding at a meeting of English Catholics in the Metropolis:—

Alton Towers, Feb. 6, 1844.

"My dear Lord—I regret extremely that circumstances will not allow me to attend the meeting over which you are to preside to-morrow, as I was anxious for an opportunity of expressing my indignation, in common with yourself and many others, at the fresh insult offered to the whole Catholic population of these kingdoms, by the conduct of the Law Officers of the Crown in the preliminary proceedings on the interesting and important Trials now taking place in Dublin. The Catholics appear to have been struck off the panel *en masse*, upon the ground that they were all Repealers; but while this fact is asserted on the one side, it is as stoutly denied upon the other. In the absence of any positive evidence on the point, we are, I think, fully justified in the inference that, whether Repealers or not, no Catholic would have been allowed to sit upon that Jury, seeing that such determination would have been in perfect keeping with what has hitherto been the fixed policy of the present Government in Ireland, to exclude Catholics from all share in the Administration of Public Affairs, and while professing to do equal justice to all, refusing them every grace and right enjoyed by their Protestant fellow-subjects. The exceptions are too trifling even to form the shadow of an argument.

"But even presuming that the facts are upon their side, does it evince a spirit of justice in the Government to discard every man who was known to be favourable to Repeal, and at the same time to leave upon the Panel many who were notoriously Anti-repealers, and who are now actually sitting in judgment upon the traversers? In either case, then, the first principles of justice have been violated, and a gross insult offered to the people of Ireland; and I am sorry that I have only been able to mark my reprobation of such conduct by signing the requisition for a meeting to express our common feelings upon the subject.

"I remain, my dear Lord,

"Very truly and faithfully yours,

"To the Lord Camoys." SHREWSBURY,

Is not the fact itself a monstrous one, that in a great Catholic country, in the greatest State prosecution that has ever been instituted in that country, the Liberator of that country should be tried by an exclusive Jury, marshalled in antagonism against him? Strip the case of all those details upon which there has been so much controversy, look at that bare naked fact, and say whether it can be reconciled with the great principles of Catholic Emancipation? As far as Trial by Jury is concerned, Catholic Emancipation is repealed, and repealed in a spirit as preposterous as it is unjust. We are admitted to the Bench of Justice—that Bench of Justice which was adorned by a Catholic Chief Baron and a Catholic Master of the Rolls,—we are admitted to the Imperial Senate, which I have at this moment the honour of addressing; we are admitted to the Treasury Board, to the Board of Admiralty, to the Board of Trade; we are admitted to the Privy Council; but admitted to the Bench, and admitted to the Parliament, and admitted to the Treasury, to the Admiralty, to the Board of Trade, and to the Privy Council, we are driven from the Jury—we are ignominiously driven from the Jury Box, where a refuge has been supplied to that Protestant Ascendancy which you have re-invested with all the most odious attributes of its most detestable domination. And yet the noble Lord the Secretary for Ireland tells us that he is anxious for the impartial administration of justice! At the last London Election Mr. Baring was asked, by a formidable interrogator, whether he was favourable to Free Trade? He answered that he was favourable to Free Trade in the abstract. But when he was asked whether he would vote for the Repeal of the Sliding Scale, he said that was quite another question. And so it is with the noble Lord. He is favourable to impartial justice in the abstract. Ask him to admit a Roman Catholic as a Juror upon a State Prosecution, and he exclaims, "Oh, that is quite another thing" I must, however, admit, that I believe the noble Lord to have erred from a certain infirmity of purpose, which although lamentable, is not so reprehensible as the Yorkshire Yeomanry authoritativeness, and the Fermanagh fanaticism of my Lord de Grey. There is in Dublin a society called the Protestant Operative Association. It exhibits in its characters the results of Conservative policy in Ireland. That Association presented an address to Lord de Grey immediately after the Proclamation had been issued. In that address it stated that "the sacrifice of the mass is a blasphemous fable, and that a system of idolatry unhappily prevails in our country." It submits to the Lord Lieutenant that "we want in Ireland laws which shall have the effect of abolishing Popery." It calls for the suppression of the College of Maynooth, the address, in short, is in keeping with another address from the same society in which the Catholic religion is designated as a "God-dishonouring, Christ-blaspheming, and a Bible-denying superstition, whose climax is gross idolatry." Popery is called "the masterpiece of Satan." It states, there are idolators upon the Bench—idolators on the Judgment Seat." They conclude with a panegyric on the hon. Member for Knaresborough, whose arrival in Dublin they announce as an event to be gladly anticipated by all Irish Protestants. The other day he read a speech attributed to me; I acquit him of all blame, but that speech was not made by me, but by a person of the same name, resident in Thomas-street Dublin. In the *Annual Register* the speech is given to me by mistake. The Protestant Operative Association, this natural product of your sacerdotal institutions, having addressed the Lord Lieutenant in reference to the Proclamation, what answer did he give? Did he denounce—did he reprove contumely so wanton and so unprovoked? Did he, as the Representative of his Sovereign, who charged him when he went to Ireland to govern the country with impartiality, and expressed to him her tender solicitude for the welfare of her Irish people, express the slightest condemnation of the atrocious language which had been employed in reference to the religion of seven-eighths of the inhabitants of Ireland? No Sir.—But in his answer to the congratulations of these conspirators against the first principles of Christian charity, he expresses his "warm acknowledgments for the honours which they have conferred upon him, in the expression of their thanks for his conduct on a late occasion." Does the First Lord of the Treasury approve of this proceeding on the part of his "Lord Deputy of Ireland?" The Secretary for the Home Department considers it as indiscreet, but as to the Secretary for the Colonies, as he, in all likelihood, sympathises with the Protestant Operative Association, I beg to hand him their address to Lord de Grey, as it will furnish admirable materials for his next "No Popery" speech. The moral effect of the verdict will not be enhanced by the conduct of Lord de Grey, or by the speeches of the Secretary for the Colonies, or the Secretary for the Home Department. That right hon. Gentleman spoke of "convicted conspirators" not being able to upset the Established Church. Even if your verdict had been legitimately obtained, you should abstain from such expressions. You should not give way to this inglorious exultation. You are an Englishman, and you ought not to hit a man when he is down. As to the noble Lord the Secretary for the Colonies, he never fails to apply a provocative to our resentments, and to verify what my friend Mr. Fonblanque says of his orations—"Every one of them is a blister of shining flies." I am surprised that the First Lord of the Treasury, knowing, as he must know, that so hot a horse is likely to bolt, allowed him to be entered for the race. He ought, at all events, if the noble Lord was determined to speak, to have suggested to him, that as his Government of Ireland had not been peculiarly successful, to avoid the topics which are most likely to add to the national irritation; he ought to have admonished him not to make such a speech as in Canada would be likely to produce great irritation amongst the large Catholic community of that important colony. Perhaps the Prime Minister did give him some such warning and probably, like the Irish Attorney General, he promised to put a restraint on himself, and to extend his Conservative habits to his temper. But once on his legs, all his good resolutions were forgotten, and he could not deny himself the luxury of offering every Catholic in the House an affront in the pharisaical homily which he delivered on the oath taken by Catholics in Parliament. He read the oath—read it in italics—he read it almost as well as the Chief Justice read the speech of Daniel O'Connell. He begged of us to examine our consciences, and to consider the awful obligation which was imposed upon us. In giving us a lecture on perjury, he does not mean to offend us. Be it so; but suppose that in the spirit of retaliatory gratitude, I were to give him a lecture on an offence of far inferior culpability, on political apostacy, and were to say—"My Lord I do not mean to offend you, but I entreat you not to give way to the acrimonious feelings by which tergiversation is habitually characterized; don't play the fierce and vindictive renegade, for the sake of men with whom the partner of your conversion declared that it would be in the last degree discreditable to consort, and remember that 'sans changer' is the motto attached to your illustrious name." I very much question whether the noble Lord would consider these amiable suggestions as giving me any very peculiar title to his thanks. But there was something even more remarkable than his advice in reference to the Catholic Oath in the speech of the noble Lord. He was exceedingly indignant at the reflections on the Chief Justice in reference to whom delicacy forbids my saying anything, as he was "counsel on the other side,"and insisted that a Judge of the land ought not to be made the subject of criticism in this House; yet when he was a Whig Cabinet Minister he did not exhibit this virtuous squeamishness, but thought Baron Smith, the father of the Irish Attorney General would give capital sport in a Committee of the House of Commons. He proposed an inquiry into the conduct of Baron Smith—an inquiry into the accuracy of the charge of Mr. Baron Smith. [Lord *Stanley.*—No, I did'nt.] Did'nt you? [Lord *Stanley.*—No, I did'nt.] What! No vote of censure? [Lord *Stanley.*—No.] No Motion for a Committee? [Lord *Stanley.*—No.] Then, what was it? There was a Motion I know made in this House for a Committee to inquire into the conduct of Mr. Baron Smith in charging the Grand Jury. [Lord *Stanley.*—No.] Yes, but there was. The Secretary for the Home Department perhaps can tell me, because he voted against the noble Lord. The Secretary for the Home Department was shocked at such a proceeding, and my Lord Monteagle, whose nerves are better now, was shocked too. Upon that occasion the noble Lord (Lord Stanley), and the Secretary for the Home Department were divided; there was then only one star in Gemini. But let me turn from the noble Lord, whose conduct and whose advice we hold in the estimate which they deserve, to the country to which he once said that he would give a lesson—and inquire how it is that you intend that the Government of Ireland, for the future, shall be carried on. Ireland is not to be ruled by force. Indeed! It is to be ruled through Protestant jurors, and Protestant charges, and Protestant goalers: but Protestant jurors, and Protestant charges, and Protestant gaolers require that Protestant bayonets should sustain them, and that, with the discretion of the Home Office, the energy of the Horse Guards must be combined. But let me come to your specific measures. You have issued a Landlord and Tenant Commission, composed exclusively of proprietors. You did not place upon it a Catholic Bishop, or any other eminent Ecclesiastic, having an intimate acquaintance with the sufferings of the poor. These Commissioners are to fill up three or four folios of evidence, to prove to us, what every one of us already knows. The Home Secretary tells us, that he is inclined to render the landlord's remedy more compendious; but he ought to remember that Mr. Lynch, the Master in Chancery, who is thoroughly acquainted with Ireland, a first-rate lawyer, and an excellent man, who has managed his own property with the most humane concern for his tenants, thought the remedy of the Quarter Sessions preferable to an ejectment in the Superior Courts, because the costs in the Superior Courts are overwhelming, and the tenant purchases a little delay at a price utterly ruinous, and which deprives him of all chance of redeeming his land. The right hon. Gentleman also informed us that he had a Registration Bill in his thought; I admit that the Government are entitled to large praise for having thrown the Secretary of the Colonies overboard; but why does not the right hon. Gentleman inform us of his plan? He will cut down the Franchise with one hand, and extend it with the other; but how will he extend it? By the Chandos' Clause: that is, he will discourage the granting of long leases, and he will create a mass of vassalage in times of tranquillity, and in seasons of political excitement he will create an open revolt, by which the whole country will be distracted. But what does he mean shall be done with regard to the Catholic Church and the Protestant Church—with regard to the Church with a congregation and without a revenue, and the Church with a revenue and without a congregation? Will he grant glebe leases to the Catholic Clergy, will he build Catholic houses of worship, will he augment Maynooth? On these subjects the Government are silent, but it is intimated that with the revenues of the Establishment no sacrilegious innovation shall be permitted to interfere, and that the Established Church shall be maintained in the plenitude of its possessions, in a country in which two-thirds of the Irish Members are returned by Roman Catholics, in which Roman Catholics are masters of all the Corporations in the south of Ireland, in which every day the Catholic millions are making a wonderful progress in wealth, in industry, in intelligence, in personal self-respect, and in individual determination. And why is the Church to be maintained in its superfluous temporalities? Because we are told that it is founded in Christian Protestant truth. Be it so; but permit me to inquire on which side of the Tweed in Great Britain Protestant truth is to be found? On the northern bank it is impersonated in the Member for Perth—in the Member for Oxford on the south. It is Calvinistic in the north, Armenian in the south; it is dressed in a black gown and a white band in the north; in the south it is episcopally enthroned, mitred and crosiered, and arrayed in all the pomp of pontifical attire. On the north it betrays its affinity to Geneva; on the south it exhibits a strong family resemblance to that Babylonian lady, toward whom, under the auspices of Doctor Pusey, its filial affection is beginning to return. If I shall ever be disposed to recant the errors which have now continued for 1800 years, in order that, being permitted to assail the Irish Church from without, I may, as a Protestant, undermine it from within, perhaps the Secretary for the Home Department, who is a borderer, will tell me on which bank of the Tweed the truth is to be discovered. But wherever it is to be found, it must be admitted that the Irish Church has not been very instrumental in its propagation. You have made no way in two centuries in Ireland, while Popery is every day, and in every way, upon the advance. The Catholic religion, indigenous to the mind of Ireland, has struck its roots profoundly and widely in the belief and the affections of the people—it has grown beneath the axe, and risen in the blast—while Protestant truth, although preserved in a magnificent conservatory, at prodigious cost, pines like a sickly exotic, to which no natural vitality can be imparted, which by every diversity of expedient you have striven to force into freshness, and warm into bloom, in vain. But you may resolve, *per fas aut nefas*, to maintain the abuses of the Church, but it is right that you should know, that among the Catholics of Ireland there exists but one opinion on the subject. You heard my hon. Friend the Member for Kildare—he is a Gentleman of fortune and of birth, highly connected, and who has again and again refused to take the Repeal pledge. He tells you that he is thoroughly convinced that an alteration in your Establishment is required. A vast body of the Protestant Irish Aristocracy entertain the same sentiment; and even here, the supporters of a Conservative Government cannot refrain from telling you that a revision of the Church cannot be long avoided. The hon. Member for Wakefield, who was one of the Vice-presidents, if I remember right, at the dinner given in 1838 to the First Lord of the Treasury, at the Merchant Tailors'-hall, bore his important, although reluctant, testimony to the necessity of a change. That change is said to be against principle. But what an incongruity between your theory and your practice: take, as an instance, the Canada Clergy and reserves. The Clergy reserves were appropriated by Act of Parliament, by one of the fundamental laws of the Colony, to the maintenance of the propagation of the Protestant religion. Before the revolt in Canada (that painful instrument of political amelioration) we were told that the Clergy reserves were set apart for sacred and inviolable purposes. But the Canadian insurrection produced one good result; the Archbishop of Canterbury did no more than stipulate for a change of phraseology in an Act of Parliament, and the Protestant Clergy reserves are at this moment applied, in part, to the sustainment and the diffusion of the Catholic religion. The present Prime Minister, the Secretary for the Colonies, the Secretary for the Home Department, the Bishop of London, all agreed to this momentous alienation. The Bishop of Exeter alone stood by his colours—he implored, he adjured the House of Lords in vain—he called on the Bishops to remember their oaths, he pointed out the disastrous precedent which you were about to make. He was right—the inference is irresistible, the whole appropriation question is involved in the Clergy reserves. But consider whether, even in your dealings with the Irish Church, you have not acted in such a way as to render your position utterly untenable. By the Church Temporalities Act you abolished Irish Church rates. You thereby subtracted so much from the property of the Church—you suppressed a certain number of Bishoprics, why should you not suppress a corresponding number of Benefices? You do not want so many Bishops—how can so many parsons be required by you? But the Tithe Bill is a still stronger case. In 1831 the Catholic Members asked nothing more than that you should apply the surplus of

Church property to charity and education. They never proposed to confiscate a fourth and give it to the Irish Landlords. In 1835 that proposition was made by the present Secretary-at-War, then Secretary for Ireland. To the Tories the entire merit of originating that wild and Wellingtonian measure exclusively belongs. But the gallant Officer, when Secretary for Ireland, proposed a Bill by which one-fourth of the tithe was confiscated and put into the pockets of the Landlords—not you; you would not alienate Church property —not you; but with one blow you take away one-fourth of their tithes from the Church, and surrender the precious fragment into the pockets of the Protestant landlords of Ireland. Your own conduct in reference to the Education question is the strongest illustration of your own sense of the incompetence of the Irish Church to fulfil the duties of an Establishment. In England, where you have an Established Church which teaches the religion of the people, you gave up your Factory Bill; you have perpetuated ignorance, and all the vices which it engenders, rather than infringe on the sacerdotal prerogatives of your Establishment, which claims the tutelage of the Nation's mind; while in Ireland you have stripped the Church of all its privileges, and declared it to be unfit for one of its most important functions — the direction of the public mind; nay, more, the Secretary for Ireland, who now thinks it politic to offer his homage to the Clergy of the Established Church with a sincerity of panegyric commensurate, I hope, with its exaggeration, denounced that clergy for their factious opposition to the Education Board. You have thus, by your own acts, pronounced a virtual condemnation of your Establishment—that monster anomaly to which nothing in Europe is to be compared. Yes; there is one analogy to be found to your sacerdotal institutions—there is one country in Europe in which your Irish policy has been faithfully copied. In a series of remarkable Ukases the Emperor of all the Russias proclaims the eternal union between Poland and Russia, declares it to be the means of developing the great national advantages of Poland, expresses his surprise that the Poles should be so utterly insensible to his benevolence, reprobates the malcontents by whom fanciful grievances are got up, and establishes the Greek Church as an excellent bond of connection between the two countries. Is there a single argument that can be urged in favour of the English Church in Ireland which does not apply to the Establishment of the Greek Church in Poland? The fee-simple of Poland is now Russian. Property in Poland has been Tartarised, by very much the same process by which it has been Protestantised in Ireland. A Greek hierarchy will compensate for the absence of the nobility in Moscow and St. Petersburg, and it will be eminently conducive to public usefulness, that a respectable Greek clergyman should be located, as a resident, in every parochial subdivision of Poland, with a living, in the inverse ratio of a congregation. Almost every year we have a debate in this House touching the wrongs of Poland, and an assurance is given by the right hon. Baronet that he will use his best endeavours to procure a mitigation of the sufferings of Poland. I have sometimes thought, that in case Lord Aberdeen should venture on any vehement expostulation, which is not, however, very likely, Count Nesselrode might ask, whether Russia had not adopted the example of England towards Ireland; whether, in Ireland, torrents of blood had not been poured out by your forefathers; whether Ireland had not been put through a process of repeated confiscation; whether the laws of Russia were more detestable than your barbarous penal code; and whether, to this day, you do not persevere in maintaining an ecclesiastical institution repugnant to the interests, utterly at variance with the creed, and abhorrent to the feelings of the vast majority of the people? Such, I think, would be the just reply of a Russian statesman to my Lord Aberdeen; and, since I have named my Lord Aberdeen, I gladly avail myself of the opportunity to express my unqualified approbation of his foreign policy. When the Home Office plays, in reference to Ireland, so belligerent a part, and when the Secretary of the Colonies, in speaking of Ireland, "stiffens the sinews" and "summons up the blood," and, I may venture to add, imitates the action of the tiger, nothing will become my Lord Aberdeen so much as "mild behaviour and humility." Rightly did my Lord Ashburton, under his auspices, concede to America far more than America could plausibly claim. Rightly will he relinquish the Oregon territory; rightly has he endured the intrigues of the

French Cabinet in Spain; rightly did he speak of Algiers as a "*fait accompli.*" Rightly will he abandon the Treaties of 1831 and 1833, for the suppression of the Slave Trade; but, after all, this prudential complaisance may be ultimately of little avail; for who can rely upon the sincerity of that international friendship, which rests on no better basis than the interchange of Royal civilities? Who can rely upon the stability of that Throne of the Barricades, which has neither legitimacy for its foundation, nor freedom for its prop. And if it falls, how fearful the consequences that may grow out of its ruins! The First Lord of the Treasury will then have cause to revert to his speech of 1829, to which my hon. and learned Friend, the Member for Worcester so emphatically and so impressively adverted. The admonitions of the noble Lord, the Member for Sunderland, will then be deserving of regard. These topics are perilous, but I do not fear to touch them. It is my thorough conviction, that England would be able to put down any insurrectionary movement, with her gigantic force, even although maddened and frantic Ireland might be aided by calculating France. But at what a terrible cost of treasure and of life would treason be subdued. Well might the Duke of Wellington, although familiar with fields of death, express his horror at the contemplation of civil war. War in Ireland would be worse than civil. A demon would take possession of the nation's heart—every feeling of humanity would be extinguished—neither to sex nor to age would mercy be given. The country would be deluged with blood, and when that deluge had subsided, it would be a sorry consolation to a British Statesman, when he gazed upon the spectacle of desolation which Ireland would then present to him, that he beheld the spires of your Established Church still standing secure amidst the desert with which they would be encompassed. You have adjured us, in the name of the oath which we have sworn on the Gospel of God—I adjure you, in the name of every precept contained in that holy book—in the name of that religion which is the perfection of humanity—in the name of every obligation, divine and human, as you are men and Christians, to save my country from those evils to which I point, but to avert them, and to remember, that if you shall be the means of precipitating that country into perdition, posterity will deliver its great finding against you, and that you will not only be answerable to posterity, but responsible to that Judge, in whose presence, clothed with the blood of civil warfare, it will be more than dreadful to appear. But God forbid that these evils should ever have any other existence, except in my own affrighted imaginings, and that those visions of disaster should be embodied in reality. God grant that the men to whom the destinies of England are confided by their Sovereign, may have the virtue and the wisdom to save her from those fearful ills that so darkly and so densely lower upon her. For my own part, I do not despair of my country; I do not despair of witnessing the time when Ireland will cease to be the battle-field of faction; when our mutual acrimonies will be laid aside; when our fatal antipathies will be sacrificed to the good genius of our country. Within the few days that have elapsed since my return to England, I have seen enough to convince me, that there exists amidst a large portion of the great British community, a sentiment of kindliness and of good feeling towards Ireland. I have seen proofs that Englishmen have, with a generous promptitude, if they have felt themselves wronged, forgiven the man who may have done them wrong. That if Englishmen, noble and high-minded Englishmen, do but conjecture that injustice has been done to a political antagonist, swayed by their passion for fair play, they will fly to his succour, and, with an instinct of magnanimity, enthusiastically take his part. I do trust that this exalted sentiment will be appreciated by my countrymen as it ought to be; and that it may be so appreciated, and that it may lead to a perfect national reconciliation, and that both countries, instead of being bound by a mere parchment Union—a mere legal ligament, which an event may snap—shall be morally, politically, and socially identified, is the ardent desire of one who has many faults, who is conscious of numerous imperfections, but who, whatever those imperfections may be, is not reckless of the interests of his country—is devotedly attached to his Sovereign; and, so far from wishing for a dismemberment of this majestic Empire, offers up a prayer, as fervent as ever passed from the heart to the lips of any one of you, that the greatness of that Empire may be imperishable, and that the power, and that the affluence, and that the glory, and that above all, the liberties of England may endure for ever.

Debate again adjourned.

House adjourned.

HOUSE OF LORDS,

Friday, February 23, 1844.

MINUTES.] BILLS. *Public.*—1ª. Transfer of Property.

PETITIONS PRESENTED. By the Bishop of Exeter, from Penrith, and 2 places, respecting Spiritual Instruction in Union Workhouses.

SPIRITUAL INSTRUCTION IN UNION WORKHOUSES.] The Bishop of *Exeter* presented two Petitions from Penwith and Powder, praying the House to introduce such enactments into any Bill for amending the Poor Law as shall make due provision for the Spiritual Instruction and Religious Worship of the Inmates of Union Workhouses in England. The right rev. Prelate said, these were the Petitions which he gave notice of his intention to lay on their Lordships' Table; and, having done so, he should now, with permission of the House, proceed to move for the appointment of "a Select Committee to consider the provision made, and which may require to be made, for Religious Worship and Spiritual Instruction in the Union Workhouses in England and Wales." It might in the outset be convenient for him to state, that noble Lords might not be detained by the observations with which he might deem it necessary to preface his Motion, that it was not his intention to press that Motion to a division. If Her Majesty's Government concurred with him in the necessity of appointing a Select Committee to inquire into the facts which he should bring forward, he would be prepared in that Committee, if the opportunity were given him, to prove every tittle which he might advance by the most respectable, the most irrefragable evidence. Still he did not mean to press this question to a division. It was his intention to leave the question of "Committee or no Committee" to the responsibility of Her Majesty's Government; but he should state on what grounds he thought, not that himself, but that the country, was entitled to the appointment of a Committee to inquire into matters of such grave importance. Now, for ten years past, his attention had been strongly directed towards, and excited by, the operation of the Poor Law Amendment Act, and he had witnessed daily more and more the evil effects of that Measure; but, in no portion of it had he seen such lamentable defects as in the spiritual destitution which it entailed on large bodies of the Poor in the different Unions throughout the country. Let it be understood that he did not mean to call the attention of their Lordships to that general spiritual destitution which was said to prevail in different parts of the country. He should speak only of those deficiencies which came within his own immediate notice. The representations which had reached him on this subject came from most respectable portions of the Clergy and Laity: and his own inquiries satisfied him that their complaints were perfectly well-founded. The cases which he was about to place before the House had reference exclusively to Unions in his own diocese. The first Union to which he should advert was that of Liskeard. With respect to that Union, an hon. Gentleman, a brother to a noble Earl—a man who was dear to every one who was acquainted with his virtues—who, as he knew, represented a very ancient family—informed him that the question of the appointment of a Chaplain, had been settled very unfortunately. They had proceeded to the election of a clergyman to the office of Chaplain, but the proposition was rejected. A motion was then made to the effect that a Chaplain was necessary; and he (the informant) was very much surprised to learn afterwards, that a Dissenting Minister, who was not sent for by the inmates of the workhouse, was performing the duty. The most deplorable effect of this proceeding was, that it formed a precedent for similar irregularity elsewhere. The success of the Dissenters in this instance urged them to further exertion, and, leagued with the economists, they prevented the appointment of Chaplains throughout the different Unions of the diocese. He held in his hand a remarkable proof of the accuracy of that statement. It had reference to the Union of St. Austel's. That Union contained fifteen parishes, and a population of 31,000 persons. Here there was no Chaplain. It appeared that there was a very large room adjoining the Union-house, which was planned and erected for a chapel, but which had never been used for that purpose. Some years since a struggle was made by some of the Clergy to get a Chaplain appointed, but without success. At the same time a motion was made for admitting Dissenting Ministers, and carried, Ever since, that room was occupied twice on a Sunday by the Wesleyans, and on alternate Tuesdays, the Union finding candles. This proceeding was decidedly in the teeth of all the regulations connected with the government of the Unions—and, nevertheless, the attempt to turn this room into a Dissenting chapel was successful. This very room, under the name of "Union-house," appeared in the Wesleyans' quarterly printed directions. They had always preachers on trial, and it would appear that the Union-house was made a training-place. Inquiry was made as to what instruction was given to the children, eighty-six in number, and by whom? The answer was, that no instruction whatsoever was given to the children, except by the schoolmaster (who was also porter) and the mistress, his wife, so that their Lordships would observe here, that the Church was actually sacrificed, and prevented from imparting instruction; and that such instruction as was given was supplied by others who were opposed to her tenets, and hostile to her ordinances. The next case was that of Bodmin; and there he found that no Chaplain was appointed. All the religious instruction that was destined for that Union was gratuitously supplied by the curate of the parish. The parish in which he lived consisted of about 4,000 persons. The curate had most kindly and charitably extended his services to the Workhouse. They had service every Sunday once, and once a week. Now that was done without licence, and indeed was in violation of the law, but in the breach of that law, in such a matter as this, he (the Bishop of Exeter) must say that he could not but honour the rev. Gentleman. The next case was that of St. Colomb, to which he begged the attention of the House. The Union of the parishes consisted of 16,000 persons. They had no religious instruction except such as could be supplied by the Clergyman of a large parish, whose time was almost entirely occupied in attending to his own duties. In that workhouse there were forty-five children, and the only religious instruction they received was that from a schoolmistress, and when prayers were read to them, they were read by the master of the workhouse. He now came to notice the case of St. Germain's in which no religious duties were performed except such as were given by the Clergyman, who had a large parish to attend to. In that workhouse there were thirty-three aged and infirm persons thus left without any religious instruction. The next case was that of Helston, in the workhouse of which gratuitous religious instruction was given by the curate. The parish where he lived consisted of 4000 inhabitants. The curate had to go five or six miles once a week to perform those duties, for which no pecuniary remuneration was afforded. The Minister of the parish had the whole of his time employed in attending to his duties, and he could not give any religious instruction. The right rev. Prelate then came to notice the case of the Union of Penzance. That Union consisted of no fewer than nineteen parishes, and the population extended to the number of 49,951 individuals. On an application for the appointment of a Chaplain to that workhouse, that application was resisted. True it was, that there was a person appointed, but he was one who had apostatised from the Church. A Clergyman of the Church living in the neighbourhood, knowing the facts of the case, undertook to do the duty, but the Board of Guardians refused. What the Board of Guardians did was contrary to the rules of the Poor-law Commissioners. For, in the first place, no Chaplain could be appointed to a workhouse who had not received the sanction of the Poor Law Commissioners, and the licence of the Bishop of the diocese was also requisite in the second place to complete it. But what did the Board of Guardians do in this instance? They elected the individual to whom he had alluded, who had apostatised from the Church. Now he (the Bishop of Exeter) begged here to be understood as bringing no charge of moral misconduct against that individual. He had been a member of the Church, he withdrew "reverend" from his name, and he appeared in public in coloured clothes. He attended the meetings of the Independent Dissenters of Penzance, and attached himself to their body. He married the daughter of a Dissenter of fortune in the place, and the children the offspring of that marriage, were all baptised in that faith. On his being appointed to act as religious instructor to the Union Workhouse no notice was given to him (the Bishop of Exeter) as Bishop of the diocese, which was required by law, but the whole facts of the case were transmitted to the Poor Law Commissioners in London, who sent an Assistant Commissioner down, and the result was that that individual was elected. The right rev. Bishop then proceeded to call the attention of their Lordships to an inquiry into a frightful tragedy which took place in the workhouse. There was in the Union Workhouse an unhappy woman who was brutally treated by the master of the workhouse, and it was determined that she should be placed in solitude and darkness. When she heard what the nature of the punishment she was destined to undergo was, she at once said that she could not endure such solitude, and if she were sent to undergo the punishment with no one to speak to she very much feared that she should lose her senses and that she should commit suicide. She was sent there, and she did destroy herself. When it was proposed to remove the master of the workhouse for his inhuman conduct, the Board of Guardians refused to dismiss him. When the proposition was made to the Board of Guardians, one gentleman, Colonel Wade, whom he (the Bishop of Exeter) named to his honour, insisted upon the man's removal, but without effect. He mentioned this with a view of insisting that the Poor Law Commissioners in London were bound to have an especial eye to the manner in which the Poor Law Act was carried out. The individual to whom he had before alluded as being elected, was still in the same situation. The rev. gentleman the vicar of the parish, who acted as an *ex-officio* Guardian to the Poor Law Union, told him that the Church prayers were much abridged by him; and that he administered the Baptism in the workhouse on all occasions when births took place there without considering whether it was necessary that there should be private Baptisms, and also without making any registry in the parish. The rule was, to consider the children always in danger, and to have them privately Baptized by the Chaplain a few hours after birth. The Lord's Supper was administered by this individual contrary to all law and authority four times a year in the chapel. So much for Penzance. He now must draw attention to another Union—that of Redruth. This would not present the horrors of the last case, but there were here carried on irregularities of the most startling kind, and irregularities of which the Commissioners in London were cognizant from the Reports of the Assistant Commissioners. The Union of Redruth contained only eight parishes, with a population of 48,987 persons, and there was no doubt at this time the population was 50,000 persons, and was increasing annually. There was a Chaplain there, but how was he appointed? Why, it seemed that there, too, the Dissenters, encouraged by the success of the Dissenters at Liskeard, had made exertions and passed resolutions that the Clergyman who was to perform the duty which the law required of him, should only perform service once on each Sunday, and that the Methodist teachers should perform the other service in the Chapel of the Union. It was with great difficulty that the appointment of a Chaplain could be obtained, and when it was obtained the Assistant Commissioner had entreated them to give some salary, if only a nominal one; and he proposed that 1*l.* a year should be given, which would satisfy the letter of the law. At the same time the Guardians pressed upon the Commissioners the necessity of having these Methodist meetings in the Chapel on Sunday to go hand in hand with the Church Service; and upon the whole, the Assistant Commissioner had thought it better to submit to it. Sometime afterwards the same Assistant Commissioner, thinking the salary of 1*l.* a year somewhat small, had entreated the Guardians to give 30*l.* a year; this was agreed to, and the *ex officio* Guardians and some wealthy individuals had made a subscription also, to the amount of 60*l.* a year; making in all 90*l.* a year as the remuneration for the Chaplain. But in this case no Clergyman of the neighbourhood would undertake the office. And for two years the parish had been using every effort, by advertising, to obtain a Chaplain, but, from the extent of the duties to be performed, and the smallness of the remuneration, no chaplain could be obtained; and the office was filled, after a manner, by a stranger to the diocese, who happened to be in the neighbourhood, and who, he rejoiced had, been permitted most irregularly to perform Service in this Church. In this Union-house there were no fewer than 306 inmates, about 150 being children. These persons being concentrated from a large Parish, imposed a heavier duty on a Minister than attendance to a Parish of 306 inhabitants. Almost every individual must occupy a large portion of his time, if he did his duty. It was therefore really impossible, unless the whole time of one Clergyman were given to the duty, that the office could be effectually fulfilled. There was no means of giving education to the children except by means of the schoolmaster of the house, and he need not state what kind of education that was. There were other places in the County of Cornwall where there was similar remissness;

but, without going into all these cases, he would only say that there was not an Union Workhouse where there was available provision in this respect, even in the eyes of the greatest defenders of this law. In Devonshire the first Union he would notice was that of Axminster. A Gentleman who had recently filled the office of Chaplain there had informed him that on the whole the religious services of the Church were satisfactorily performed there, and were most gratefully received by the poor. He had entreated the Board of Guardians to permit one of the rooms of the workhouse to be set apart solely for religious worship, and had obtained this boon. In the great majority of places the dining-hall was made the only place for religious service. The poor people were most grateful at having this room granted to them, which they called the chapel, and had been delighted at the idea of having a place which bore some resemblance to the House of God. He mentioned this because it was a duty of their Lordships to take care, in the Bill to be brought before them, that a part of every workhouse should be set apart solely for religious worship. He was not asking their Lordships to run into any great expense for erecting fine Chapels, but he implored them to take care that in each workhouse some room should be set apart for the purpose, free from all the degrading exhibitions which must take place in the dining-hall. From Axminster he would proceed to Kingsbridge. There the appointment of a Chaplain had been insisted upon. The Chaplain, however, soon after his appointment, was obliged to resign his office, and then the Board of Guardians had thought fit to try the patience of the Commissioners and to refuse to appoint another. Remonstrances had been made by the *ex-officio* Guardians, and by a large portion of the inhabitants, who had implored the Commissioners to insist on the appointment. The Commissioners had sent down word to the Board of Guardians that unless they made the appointment they should be compelled to do so by a *mandamus*. The Board of Guardians had disregarded this threat, and the consequence was, that the remonstrances had become more and more urgent. A correspondence had taken place on the subject, and the Guardians had given an assurance no less than six different times that the question should be taken into their consideration, and the case rested now where it was, notwithstanding what had been stated by the Commissioners. He was bound in justice to state that the Guardians entreated the Commissioners to wait until a Chancery Suit in which the rector was engaged had terminated, as they thought of appointing him the Chaplain. This state of things had gone on for two years. He lamented that owing to the absence of the Earl of Devon he should not have the benefit of his advocacy on this question. The Clergyman of the Parish, who had two charges on his hands, and a cure of 2,000 souls, had felt himself compelled to undertake, not the performance of the duties of chaplain, but to give what assistance was in his power. Whilst a Chaplain had been appointed divine service had been performed in a kind of pulpit placed against one of the walls of a room in which the people took their meals, and in which the Dissenting Ministers of all denominations alternately preached on Friday evenings. There were 266 paupers in this Union, 115 of whom were children under fifteen years of age, who had no religious instruction whatever. The visitors' book of the Union House contained entries such as "The Rev. —— to preach the gospel of Christ and to visit the sick." All this was in the very teeth of the regulations of the Commissioners and of the provisions of the Act of Parliament. He now proceeded to the Union of Oakhampton, and from the Minister of that Parish he had that day received a statement of the condition of things there :—

"The average number of paupers in the house is about 140, children and adults being of nearly equal proportions. The paupers were formerly allowed to attend the parish church on Sunday, but for the last two years have been unable in consequence of the destruction of the church by fire, and the present place of worship not being sufficiently large to receive them with the rest of the congregation. Those who apply to the Board of Guardians have leave granted them to attend divine service on Wednesday evening, and I am happy to say many avail themselves of this privilege. The Guardians have hitherto always refused to appoint a salaried Chaplain, and a motion which Mr. Woolcombe, a Magistrate and *ex-officio* Guardian, twice brought forward for the appointment of a Chaplain, with the consent of the legal authorities, to be paid by himself for one year, met with a similar result. A number of most ignorant human beings are, therefore, congregated together without any spiritual superintendence, and the Governor of the Workhouse assures me how disgraceful is their behaviour, and how unpleasant his position in consequence. Most of the children born in the house are illegitimate; they are never brought to the church to be baptised, some of the parents appearing totally indifferent about the matter, and I have no power to perform the sacrament of baptism in the Workhouse, unless in cases of dangerous illness. This I have always expressed myself as ready to do when required; several children however having lately died unbaptized, and having been buried in consequence without any service performed over them; (this I know has occurred two or three times within the last six weeks in the parish of North Tawton alone), I feel it my painful duty, acting with the advice of some of my brother Clergy, to call your Lordship's attention to the degraded state of our Union Workhouse, in the hope that something in the way of improvement may be effected."

He would not weaken the effect of this plain statement. But one result could ensue from this tremendous fact. That was not a place, though it was an occasion, in which he ought to enlarge upon the inestimable blessing of baptism; but he could not help believing that there was a tremendous responsibility attached to the hazarding of their eternal salvation by the non-baptism of infants. But most tremendous was the responsibility of those who had permitted such a state of things, and who had put to hazard the eternal salvation of these children. In the Union of Tavistock. which was the next case he had to submit to their Lordships, there had not been one sixpence given by the Board of Guardians to supply the place of Chaplain, and in consequence they permitted the curate of that parish of 1,000 souls, when exhausted by two services in the Church, to give one service at the workhouse. All this was in direct contradiction to the mandates of the Somerset House Commissioners. He now came to Tiverton, and regarding that place it so happened that he had received a letter that morning. There was a chapel there, and the poor inmates had been permitted to attend church once a day on Sunday. But something was to be done in this chapel, and therefore, in the afternoon, service was to be performed there;—by whom? By the master of the workhouse, who went into the chapel, and there enacted the part of Clergyman. It appeared that in consequence of his having given notice of this Motion before their Lordships, the Board of Guardians of this place had taken alarm, and had had a meeting, and passed a resolution, which had been sent to him with breathless haste—what did their Lordships think to do?—to appoint a chaplain? No, but to permit the poor to go to the church twice on a Sunday. These were cases which had occurred in his own diocese, and these cases were of a kind in which he should confidently rely on the consequences of the Motion which he now made. He contended that the whole of these cases were of such a kind that, if true, it would be absolutely necessary that the Poor Law Commissioners should be called on to explain to the country how they had dared to neglect, or rather to abuse their trust. When he moved for this Committee, he was ready to prove everything which he had brought forward. He thought it was due in justice to these Commissioners themselves, that they should have the opportunity which he was ready to give them of disproving his statements. Since the notice of his Motion, he had received several letters on the subject—one from York, and this opened an important case, because it had shown what had been the main stirring principle which had prevented the appointment of Chaplains in the north of England. The Union of York contained seventy-nine parishes, and a population, according to the census of 1831, of 900,000 souls. In August of last year, a Motion had been made before the Board of Guardians there, to appoint a Chaplain. That Motion had been successfully opposed. On what grounds? Why, almost entirely on the ground of pounds, shillings, and pence. They would not incur the expense of having a Chaplain. He appealed to the noble Lord near him (Lord Wharncliffe) if that were not the motive which prevailed in refusing to appoint a Chaplain to the York Union? [Lord *Wharncliffe*: Yes, it is.] He said, it was the expense which prevented the appointment of Chaplains to Unions in the North of England. [Lord *Wharncliffe* expressed his dissent.] He was aware that in the neighbourhood in which the noble Lord lived, no such motive could be imputed to the Board of Guardians. A petition was sent to the Commissioners, and the Commissioners returned expressions of regret that such a state of things should exist. The question was brought forward again in December, and then they were told with a jeer that the Commissioners in London had been informed of the circumstance—that they (the Board of Guardians) had expected a mandamus before this, but that the Commissioners had contented themselves with merely saying they regretted what had been done; and so the Board ridiculed the notion of appointing a

Chaplain, and thus the friends of religion were again disappointed in their hopes. He should now call their Lordships' attention to the state of another Union, and that a very important Union in the county of Lancaster. In that Union there were twenty-nine parishes, and those parishes contained a population of 59,000 persons, the Workhouses being four in number. The paupers in the Union Workhouse at Preston amounted usually to 491 persons. It appeared that no Chaplain was paid for attending to the spiritual wants of this large amount of inmates, and this fact he was enabled to state upon the authority of one who was himself an *ex officio* Guardian. He stated, that in all there were 718 inmates in the four Workhouses of the Preston Union, that about two-thirds of them were Members of the Church of England, 139 were children within the age of education, that there was no full service on the Sunday, that the Clergy of the town attended voluntarily, and that they were not able to perform full service on more than one day in the week, and, whether instructions or spiritual comfort were regarded, it must be admitted that the common gaol was preferable. There was no moral control, no inspection, no superintendence. That was the state of things in the Preston Union, a place where, whether the morals, health, education, or religion of the inmates were considered, were less preferable than the prison. At Stockport, they said that they wanted no parson, as they had assistance from the Dissenters for nothing. In the York Union, since September, 1840, there had died in the Workhouse fifty-two persons, of whom fifty were Protestants, principally members of the Established Church, and not one of those persons was afforded the opportunity of receiving the Sacrament from the time of admission into the house till their death. But the case of Macclesfield was much worse than that at Preston —there matters were of a still more painful character. At Macclesfield, in the adjoining county of Chester, the curate had been obliged to make efforts for the instruction of the poor which were quite beyond his strength, and when he quitted the workhouse the aged paupers expressed the deepest regret. Since he left, another clergyman had taken up the case. From that Gentleman's letter, received this morning, which was a document of some length, it appeared that he was usher at the free-grammar-school at Macclesfield, and that he was accustomed to give a portion of the small quantity of leisure that he enjoyed to the duty of affording religious instruction to the inmates of the workhouse. He hoped that their Lordships would allow him to read, if not the whole, a considerable portion of the letter with which he had been favoured by this Gentleman:—

"I have the honour to lay before your Lordship the following facts,—1. As to the Union Workhouse: the number of its inmates has sometimes reached 300, but at present it is slightly under 200, and I think I am correct in saying, that during the last seven months, the number has varied from about 240 to 170. Of these, the adults would certainly average more than 150 and the great majority would, if asked, either profess themselves members of our Church, acknowledge that they had gone to no place of worship, or, what is as common, 'to all sorts.' For these there is no religious instruction or ministerial superintendence whatever, provided by the Guardians. The natural results are, that the very little religion which does, or at all events which till lately did exist, is either entirely Sectarian, or savouring strongly of Schism. The state of moral depravity and religious destitution is frightful, and the utter shamelessness and moral degradation which prevails among the young women in particular are quite appalling. From the construction of the house—an old factory converted into a Workhouse—anything like classification, is impossible, and a moderately modest woman (unless indeed, she should have the good fortune to be sufficiently ill to secure her a place in one of the sick-wards, where it is practicable to enforce stricter discipline) would, after a stay of some weeks in the house, it is my firm conviction, go out, almost infallibly, a hopeless prostitute. The language which sometimes has met my ear has been most dreadful, and the Governor, who is anxious to do his duty, I believe, to God as well as to man, laments the state of things; but, until the removal of the paupers to the house, which is being built for them, he sees no prospect of amendment. In August last, I found that, excepting very rare visits of one clergyman, no one (save some Methodists on Sunday) went near the sick and dying; and at the time to which I allude, I found two or three persons actually dying, without any care having been taken to warn, to instruct, or to comfort them. The paupers have frequently themselves complained of the way in which they had been neglected. An old woman one day said to me, 'Why, Sir, no one has been near us since Mr. —— was obliged to give up, and here we are, a parcel of old blind creatures, hard at death's door, and no one seems to think of us, or to care whether we go to heaven or hell.' And oh, my Lord, she spoke the sad, the shameful truth! When I said that no religious instruction was afforded by the Guardians I ought to have mentioned, that they did give permission to the Wesleyan Methodist body to have two regular services on Friday and Sundays, and to hold prayer meetings; which is still continued to them, though I am in a manner acknowledged by the same body. I grieve to say, that this ‘religious instruction’ has done more harm than can easily be imagined. The poor creatures, from confinement and other causes, are easily wrought upon, and in several instances, in one most melancholy one, my endeavours to bring about anything like a wholesome religious feeling, as far as by the Lord's blessing I might be enabled so to do, have been entirely, and most mischievously baffled. I could, did I not fear lest I should swell this letter into a volume, supply your Lordship with many instances of the wretched state of things among those (both men and women) who are not ill enough to find an asylum in the sick-wards. The Governor's constant complaint is, that the young men and women, having nothing to do, and there being no means of instructing them, are running wild, and always in mischief. One case I will give. A young woman who had been seduced in a very shocking and disgraceful manner, came to the house; of course, she had a place assigned her among the common herd; fortunately she became very ill, and was for long confined to one of the sick-wards. She seemed for a time exceedingly penitent, and I really believe that she sorrowed after a godly sort. She told me, that she was very thankful that she had been brought into that ward, and that she felt how good the Lord had been in his dealings with her, for had she stayed in the room she had previously occupied, she should have been driven distracted. She said, I could have no notion ‘how bad they were.’ And yet for the reformation of these persons, not one step has been taken, excepting the efforts which I have been able to make, in aid of which I receive no kind of encouragement, nothing but the same permission given to the Dissenters, not even a grant for books. First, as to the children. The children are taught by a pauper school master occasionally in the evenings, and at intervals. On Sunday they have, till last Sunday, gone to the Sunday-school, in connexion with the parish Church. Now, this will no longer be the case, the master, whose business it was to go with them to Church and bring them back, having but little authority over them; and the Governor, being unable to find a pauper whom he can trust, has to-day told me, that he has found it necessary to put an end to their going out of the walls on Sunday, and we have just been trying to organize something like a plan for a Sunday School in the house. Whom we are to procure to teach the poor children, I have yet to ascertain. The last pauper school-master, who also acted as my clerk, was dismissed for being in a state of intoxication during divine service, about six weeks ago. He was in the habit of availing himself of his privilege of going out with the children, to procure intoxicating liquors, and this resulted in a disgraceful exhibition. This person can, moreover, read but indifferently, and writing is an accomplishment which he possesses in the smallest possible degree. As to my own connexion with the Workhouse, it is voluntary; and when my services were first tendered, the acceptance of them was by some of the Guardians opposed, on the ground, that to interfere with the Methodist would be unhandsome treatment. However, it was at last decided, that the Methodists should either have their service in another room at the same time as that which I had fixed on for the performance of divine service, or should fix upon some other hour; and I, on my part, was not to interfere with their Friday evening service, as at first I proposed to do. I have for the last six months (with the exception of an interval for my Christmas holidays, when I arranged with my clerical friends to take the Sunday services for me) performed divine service (as far as a deacon can) regularly on Wednesday and on Sunday evenings. I can only give them evening service, because in the week I am engaged as one of the masters of the grammar school, and on Sunday I have two services in the little church of which I am minister. The sick-wards I visit after school hours every evening in the week, excepting generally Monday, on which evening I rest, and Saturday, which I spend in my little district at B——, three miles and a half from this place. I have procured the assistance of clerical friends in Priests' orders to administer the holy eucharist to the sick several times; on one occasion to as many as six of the old and infirm, with whom I took some pains previously. Indeed, I have always taken care to employ all possible caution before I admitted any of the paupers into the number of those who were permitted to receive that holy mystery. I have also formed plans for the improvement of the young men and women, but I fear that I lack bodily strength to carry them out; and, after all, my Lord, what can I do among so many? I have but little leisure, and the people are perishing for lack of knowledge. I can, indeed, visit the sick, and have without intermission done so since August, excepting during the short interval to which I before alluded; but, oh! how seldom is it that the most unremitted attention on the dying pauper avails anything! In nine cases out of ten when they become confined to their beds, it is too late. I fear that I shall have wearied your Lordship with this long history, and I will only further say on this head, that a more wretched instance of negligence, and consequent spiritual destitution, than is presented in this miserable Workhouse, cannot well be imagined. I think it also exceedingly doubtful whether the guardians have any immediate notion of appointing a chaplin; in fact, I fear that many avail themselves of my gratuitous services to delay taking any steps towards this most desirable object.”

He had been requested by the Gentleman from whom this letter came to refrain from mentioning the names of places or of parties, and he should readily comply with this request, if his not doing so could in any respect prove injurious or dangerous to the good and single-minded man from whom that letter proceeded. He then went on to say:—

> "I am about to make an appeal to the guardians to entreat them to bestir themselves, and to inform them that I doubt whether my health will permit me to continue my present labours, and to work out my plans for improving the condition of the adults for many months; and were they to feel that their flagrant conduct had been exposed through my instrumentality, I should have no chance of carrying my objects, and it is possible that the Dissenting guardians would make my supposed treason an imaginary ground for renewing their opposition to the appointment of a chaplain."

This single-minded man, only desirous to do good, had begged him (the Bishop of Exeter) not to mention his name; and for this reason, because he was about to make another appeal to the guardians, from fear that his health would not much longer permit him to work out a plan he had conceived for the improvement and instruction of the poor—and because it was not impossible that the dissenting guardians might make his leaving a ground for refusing to appoint a Chaplin. He had been assured that the author of this letter was a man of the most incorruptible integrity, and that his lightest assertion was as worthy of credence as the solemn declaration of the most honourable of men. That Gentleman was a man who could have nothing to fear from the displeasure of the guardians; he might defy the guardians, or any other authorities connected with the Administration of the Poor-law. He had nothing to apprehend, and no man could doubt that the Poor-law Commissioners would feel it impossible any longer to refrain, after the present exposure, from sending down a peremptory order for the appointment of a chaplain. He could hardly bring himself to suppose that that order would not be immediately issued and attended to. If not, he (the Bishop of Exeter) should feel it his duty to propose to their Lordships that a humble address be presented to Her Majesty praying for the removal of the officers, whose duty it was to make provision for the instruction of the poor. He was not vain enough to suppose because he brought forward such a Motion that it would be obeyed, but if they placed any faith in the statements which had been made, he was satisfied that the noble Lords would feel anxious to carry to the Throne their united expressions of indignation against those who would thus dare to palter with the high office conferred upon them. Would their Lordships endure to hear it said by the guardians, that the poor needed no assistance of that kind except what the Dissenters afforded them; and that they were able to have that without any expence? It was clear, then, expence formed the real impediment in this case. The trifling amount of the pounds, shillings, and pence was the difficulty. Happily, the state of the poor was not the same in all parts of the country. Religious instruction was best provided for in the places where the Unions were first formed. There were in all 587 Unions, of which seventy-one had no Workhouses. To 414 there were Chaplains, thirty of whom had no salary. There were 102 which had no Chaplains; and if Liverpool, London, Manchester, and one or two other places were excepted, it would be found that the average salary enjoyed by those Chaplains did not exceed 37*l.* per annum. Liverpool, Manchester, and London, had done as became them. In Liverpool the payment to the Chaplain was 250*l.*; in Manchester 200*l.*; and in London, where they had more than one Chaplain, the gross payment to them all was 400*l.* He would just ask the House to look how the distribution of Chaplains took place in the country. Here was a statement of the different counties:—The county of Rutland pays in salaries to the Chaplains of its two Union Workhouses 75*l.*, nearly double what is paid to Chaplains by the united counties of Durham, Northumberland, and Westmoreland, and half as much again as those three counties and the North Riding of Yorkshire united; the county of Huntingdon pays to its three chaplains 150*l.*, exceeding all that is paid by Cumberland, Durham, Northumberland, and Westmoreland, and the North Riding of Yorkshire: the county of Hereford pays 255*l.*, a sum exactly equal to what is paid by all the three Ridings of Yorkshire, Durham and Westmoreland: the counties of Bedford, of Herts, of Bucks, every of these pay more than the three counties united: the county of Cambridge pays 300*l.*, a sum larger than by all Yorkshire, Durham, Westmoreland, and

Northumberland: the county of Dorset pays 380*l.*, a sum exceeding all that is paid by Cumberland, Durham, Northumberland, Westmoreland, and the three ridings of Yorkshire (in all 376*l.*); the county of Berks pays 580*l.*, a sum much more than double of all that is paid by Yorkshire, Durham, and Westmoreland, and much more than half as much again as is paid by all those five northern counties; the county of Cornwall bears a very discreditable rank in comparison with every other of the southern counties. Upon these and other details he rested his claim to the vote of their Lordships in favour of his Motion. The Poor Law Commissioners, he was bound to say—and he said it with pleasure—were most frank, open, and ready to communicate all they knew, even when they were aware that the declared object of the inquiry was to form a case against themselves. He said this in their praise. Nothing could be more frank and obliging than the behaviour (more particularly of one gentleman) of the Poor Law Commissioners when he applied to them for information. He might go so far as to say these gentlemen admitted that the "moral case" was a very strong one. They were honourable, and good, and charitable, and religious men; and having these, or any one of these qualities, they could not deny there was, morally speaking, a strong case. "But then," said they, "there are the Dissenters combined with economy." There might be some feelings of sectarianism in the matter, but the great point—the point which had the greatest weight—was the dread of paying 6*d.* additional for this necessary and indispensable purpose. On the question of economy he hoped their Lordships would say that the question must not be allowed to rest. He did not think it possible that the noble Lord near him—should he take the trouble to reply to the observations directed to the House—would attempt to resist his defence of the Commissioners, and his resistance to the Motion, on this petty, mercenary consideration. It was an absolute injustice to deal with the question in this manner. It was the duty of Government to stand its ground and reprobate so sordid a principle. What, then, could it be rested upon? It was in the recollection of their Lordships what had taken place last year—the tumultuous proceedings and the bickerings which had disturbed the peace and tranquillity of the country during the last Session of Parliament. He could not do the noble Lords near him the injustice of supposing that they would yield to prejudices of any kind against the interests of the poor man; but he had been induced to consider all the reasons for which this Motion could be resisted, and this had suggested itself. But the question of last year was, whether a certain measure, which was not the law of the land, should become the law of the land; and the Dissenters had raised so serious a resistance to it, that the Government had thought fit to give way, and not to pass that law. Was that the case now? No; the law was in their favour, and the law must not be disregarded in deference to the assertions of those whom, he was sure in his heart, the noble Lord could not respect. The present state of things was in direct opposition to the law, for by the Poor Law Act, the Commissioners were not merely empowered, they were bound to appoint, it was their duty to appoint, Chaplains to every Union Workhouse; they had themselves admitted that the Chaplain was an indispensable officer in every Union, and in their letter of instructions, they had told their Assistant Commissioners on no account to give way upon this point. And it would be extraordinary indeed, if it were otherwise, for he would remind their Lordships, how the law stood with respect to other unhappy men. If these poor people were the tenants of a prison instead of a Union Workhouse, they would be sure of the services of a most pious, able, and indefatigable clergyman, one who would receive such remuneration as would entitle them to require that his whole time should be devoted to their service. By the Gaol Act, where there were fifty prisoners, the Chaplain received 100*l.* Where there were 100 and not more, 200*l.* Where more than 100, not more than 250*l.* per annum. Such was the rate at which the Legislature provided for the remuneration of those who had the spiritual charge of the inmates of a prison. Now, suppose that instead of being felons they were lunatics. Then also, in their lucid intervals, they would receive by law the consolations and assistance of a paid Chaplain. But did it rest there? No, for if they were Irish paupers it was peremptorily enjoined by the Irish Poor Law that there should be a Chaplain for the inmates of every workhouse. It was only in England for want of a direct expression in the Act, though it was implied in it, that any poor-house could be without the services of an authorised and paid Chaplain. He would, therefore, ask their Lordships whether it were possible, with all these analogies in support of his claim, for the Poor Law Commissioners to satisfy Parliament or the country that it was even decent any longer to refuse to appoint Chaplains to our Union Workhouses. With respect to the Dissenters, he believed it was well known, that however strong they might be at Boards of Guardians, they were not strong in number in the workhouses themselves — that there the great majority were those who professed, at least, to be members of the Established Church, or who unhappily, from the destitution in which they lived, were members of no church or religious denomination at all. He admitted that he felt strongly for the gentlemen who held the office of Poor Law Commissioners. They had much to encounter, and so had their predecessors in office. They had much obloquy thrown upon them—some, he must fairly say, deserved obloquy, and much that was otherwise. He could, therefore, understand that they had some little disposition to yield to the pressure of these wretched guardians, lauded on by the Dissenters, and threatening opposition to them when they proposed, in this respect, to perform their duty. He felt, therefore, that they wanted some assistance, and that they sought for it that night from their Lordships' House. Nothing could help them so importantly as an intimation of opinion by that House that they would be right in performing what the law required, and what they must feel to be their first duty as men and as Christians. He asked their Lordships, therefore, to give them their support, by giving him a Committee to inquire into this important subject. In respect of all the particulars he had mentioned, although they ought to have cognizance of them from the reports of their Assistant Commissioners, and therefore nothing that he had stated would come upon them for the first time, yet, now that the case was made known to their Lordships, and through their Lordships to the country, there would be no excuse for them if they did not instantly enforce the discharge of this duty. If they would send forth their orders, there was no doubt but that they would be obeyed directly. But, at all events, if it were important to obtain a *mandamus*, every one of these counties—even Northumberland itself, once a kingdom—would fall prostrate before the majesty of the law. And why was not the law put in force in this great county? He appealed to the noble Lord (Lord Wharncliffe), one of its most distinguished ornaments, whether that great county, which it had been his honour once to represent, and which was so highly honoured by his representing them, would any longer endure the disgrace and infamy (for such it was) of granting only such a miserable pittance for the subsistence of the souls of all their paupers? But in connection with the question of expense, there was one painful matter which remained to be spoken of. The Commissioners had thought fit to prescribe the duties of Chaplains, and to put those duties on the lowest possible scale on purpose to get Chaplains cheap. It was not denied that this was their reason. They required but one sermon on Sundays, in the hope of finding a neighbouring clergyman able to perform the duty, for a small remuneration, in addition to his own duties. He was required to read prayers and to preach a sermon to the paupers on Sundays, unless the Guardians, with the consent of the Commissioners, directed otherwise. He was also to read prayers to them—not to preach—every Good Friday and Christmas-day. Next, to examine the children, and to catechise such as belonged to the Established Church. How often? At least once in every month. Could these Commissioners seriously imagine that examination and catechising once a month was sufficient food for the souls, as well as minds, of these young paupers? If they would consult the Rubric, that would teach them that it was the duty of Chaplains, and, under them, of the schoolmasters, to make children the constant objects of their care. Lastly, the Commissioners required that he was to visit sick paupers and to administer religious consolation to them in the workhouse. How often? When applied to for that purpose by the master or matron. They were not to make these paupers the objects of their spiritual care. It was not to be their duty, as of the incumbents of parishes, to be the spiritual instructors, monitors, and guides of the inmates of workhouses, and to make themselves acquainted with their state and the periods when they required their ministrations. No; but to save expense, their sacred and important duties were to be neglected or performed only in the inefficient manner stated. It was mortifying to be obliged to enter into these sordid considerations, but when they were dwelt on by the Commissioners themselves, he could not forbear reminding their Lordships what would be the expense incurred by appointing a Chaplain to every Union Workhouse in England, with a salary of 100*l.* per annum. There were in all about 600 Unions, and therefore to appoint a Chaplain to each, with a salary of 100*l.* per annum, would amount to between 50,000*l.* and 60,000*l.* Now, what was the annual value of the property rated to the poor? At least 60,000,000*l.* The rental of England and Wales was not less than 32,000,000*l.* many years ago, and it appeared, by a table published by the Commissioners themselves, that rent bore proportion to the other valuable property of the country, as 52 to 48. Therefore, the whole rateable property of England would not be less than 60,000,000*l.* Now, as a question merely of economy, what was the charge of 60,000*l.* a-year on property of 60,000,000*l.*? It was as 1*l.* in 1,000*l.* And what was the proportion of 1*l.* in 1,000*l.*? Something less than one farthing. It therefore, appeared, as plainly as figures could make it, that these sordid Guardians, for a sum so insignificant as a farthing in the pound, were willing not only to act differently to other Guardians, but to sacrifice all the best interests, eternal as well as temporal, of all these paupers. This view of the question was shocking as well as degrading, and he had endeavoured in vain to conjecture what argument could be urged against him. He sincerely rejoiced, however, that there was now a prospect of something being done for the children in workhouses. It appeared that the Government had introduced a provision in their Poor Law Bill for providing for them District Schools. He rejoiced at it, and he hoped that England would soon be studded with institutions similar to the school at Norwood, which he believed was the greatest blessing ever bestowed on the poor people of this country. He was also thankful for it, for it would remove an evil which had been felt for many years without any attempt to provide a remedy. Four or five years ago the Assistant Commissioners warned the Chief Commissioners of the horrible state of schools in Workhouses. Mr. Tuffnell said—

> "By far the worst evil to be apprehended from the present system arises from the danger of sending forth into the world a set of beings, vicious in habit and pauperised in feeling, to be future burthens on the parochial rate, or candidates for the gaols and hulks. If there be any truth in the maxim, 'As is the master so is the school,' there must assuredly, be in many Workhouses little chance of the children ever becoming high-minded and respectable members of society. There is no class of officers of whom such continual complaints are made, or for whose dismissal you have been called upon to issue so many orders. I need not call to your recollection the numbers you have been obliged to discharge for drunkenness or other immoralities. I have reason to believe great cruelties are practised, at times, on the children, which, probably do not come to light, as a schoolmaster has no difficulty in awing an unhappy orphan, who, probably has not a friend in the world, into silence, and suppressing the complaint. In one case a child was beaten so severely, that had not the punishment been stopped by the fortunate entry of the Governor into the apartment, death would probably have ensued. In another, the schoolmaster was in the habit of tying up with a handkerchief the jaws of those boys whom he thought deserving of punishment, to prevent their screams being heard, and then beating them in the most savage manner. The persons who were guilty of these cruelties had been village schoolmasters, where they could not have practised such conduct, as a child so treated would immediately have complained to its parents, and would have been taken away from the school, which would quickly have shown the master, from policy, if not from charity, the necessity of mildness in future. But where is a poor friendless orphan or foundling (for of these classes a great proportion of the workhouse children consist) to turn for assistance when it knows no one on whom it can place confidence, or to whom it can utter complaints? Hence, it seems incumbent upon us, for humanity's sake, to be doubly cautious whom we select as schoolmasters for children thus situated, that is whom we make rulers of these little worlds, lest we introduce a tyrannical despot rather than a father."

The following is extracted from a letter I received from a Chaplain to an Union Workhouse:—

> "The evidence I produced against that man (the schoolmaster) was quite disgusting in its nature. I now have a schoolmaster and mistress of good principles. Their faithful discharge of duty has enabled me to exclude a man who, when schoolmaster, at least endeavoured to seduce several of the elder girls in the school."

Here was a striking illustration of the necessity of having Chaplains. The Chaplain was always regarded as a friend in the poor-house—to him always were brought their complaints—they had no feelings of horror towards him, but regarded him as the Minister of charity and peace. "Friend of the wretch whom every friend forsakes," he entered the workhouse only conferring blessings, and receiving them from those whom he relieved. The Chaplain was always considered by the poor as their best friend, and for that reason, as well as many others, it was the duty of the Commissioners to take care that they did not withhold from them that invaluable officer. One of the Commissioners himself bore this testimony, "Very frequently the presence of the Chaplain, both on Sundays and other days, is mainly instrumental in establishing a tone of religious feeling and principle which is highly satisfactory." He was afraid that he had now trespassed too long on the attention of the House, but he hoped what he had said would not be altogether useless. He thought it imposible for the details he had brought forward not to make a deep impression, though he had not sought to heighten it by resorting to any rhetorical artifice. Having made his plain statement he would leave the question in the hands of Her Majesty's Ministers. If they would grant him the Committee he would thank them—if they would not grant it, but would say that such a case had been made out, or offered to be made out as would induce them to require the Commissioners to do their duty, he would also thank them. If they would do neither the one nor the other—if they would not let him prove his case, he would yet have proof, for their refusal to let him go into proof must be as convincing as any proof he could possibly have. He was not afraid to say that he thought a most grave responsibility rested on Her Majesty's Government respecting the question now before them. If they attempted to put it down by the strong hand of power that responsibility would be great indeed. There was no man in that House or in the country, who had a higher respect for those noble and right hon. persons than he had. As an Englishman he thanked them for undertaking, as he verily believed in the instance of almost every man amongst them, most reluctantly as far as self was concerned, the responsibility and cares of Government. He gave them praise, he gave them thanks for it. He honoured them also, for the good measures which, under God's blessing, had been the instruments of producing a degree of prosperity long unknown to this country. They had been successful in terminating our disputes in the western hemisphere, they had extended our dominion in the East, they had pacified England, they had vindicated the law elsewhere, they had restored the finances, they had done more in the short period in which they had held office than any Ministers who were ever before placed at the head of the Councils of this country. But while they had done all this—while he honoured them for it, and while they received for it the gratitude of the whole country—he must yet tell them this, that if they refused to do justice to the wretched inmates of our Workhouses, their glory would be darkened, their fame would be impaired; and though the 19th century would honour them for what they had done, it would also do them justice for what they had refused to do. The right Rev. Prelate concluded by moving—"That a Select Committee be appointed to consider the provision made, and which may require to be made, for religious worship and spiritual instruction in the Union Workhouses in England and Wales."

Lord *Wharncliffe*: I am sure that your Lordships will not expect that I should go at length into the details which are contained in the very able speech of the right rev. Prelate. In the first place, I should be unable to do that, because I am not acquainted with the facts to which he has referred. At the same time, although I confess that he has made out a very strong case with respect to the non-appointment of Chaplains in some parts of the country, yet he has not, in my opinion, succeeded in affixing to the Poor Law Commissioners so much blame as he supposed. I wish to call his attention, in the first instance, to what the law is under which the Commissioners are to act in this matter. It is not clear, that when that Act passed, there was any intention on the part of the Legislature to give the Commissioners power to enforce the appointment of Chaplains. There is nothing in the terms of the Act, that in point of fact, gives that power to the Commissioners; and it is only by a decision of the Court of Queen's Bench since the passing of the Act that the power of appointing Chaplains is created at all. Under these circumstances the Guardians are bound to exercise this power, which was incidentally given to them by the law, with considerable discretion. With respect to the Guardians I agree with a great deal of what the right rev. Prelate has said, and think that, in many cases, they have no excuse whatever for not having appointed chaplains, and a great deal less excuse for not fixing an adequate salary to the office when the appointment has been made. We must take mankind as they are, and it is not easy to persuade some people against their pecuniary interests—it is not easy to persuade them that they should open their pockets for purposes of which they do not themselves see the direct necessity. The right rev. Prelate says, and most truly, that upon these occasions the *ex officio* Guardians are generally quite ready to do their duty; but the other Guardians are persons taken from a class who are apt to consider those demands upon them a mulct; and it is with the greatest difficulty, therefore, that the *ex officio* Guardians, and those who are likely to press these matters upon the attention of the Board, can get them to consent to such appointments. I hope the right rev. Prelate will not think that I consider the Guardians right in so doing. It is their duty to appoint a Chaplain, with a proper salary; but I say that, taking the Boards of Guardians generally, they are persons who are not satisfied that they ought to incur any expense of which they do not perceive the necessity. There is another motive which operates in the particular part of the Kingdom to which the right rev. Prelate has referred—I mean the North of England—and it is this:—that in many of the towns the Boards of Guardians are composed principally of Dissenters, and among them there does exist the utmost indisposition to appoint Chaplains of the Established Church. In dealing with those persons I think it requires the greatest discretion on the part of the Poor Law Commissioners; and I think I can show that this discretion has been exercised by the Commissioners in such a way, that if time be allowed and no violent steps be taken against them—by *mandamus*, for instance — all the Unions, or all with very few exceptions, will have appointed Chaplains with adequate salaries. The Commissioners have thought it best not to proceed by means of the law to enforce the appointment of Chaplains by the Guardians, but rather to persuade the Guardians to point out to them the necessity, and to impress upon them that it is their duty. Their endeavours have already been successful to a great degree according to the statement of the right rev. Prelate, who says, most truly, that out of nearly 600 Unions, which have Workhouses fit for Chaplains, there are but 102 without Chaplains. In 1840 there were 206 Unions without Chaplains, so that that number is now reduced to 102. Now, I think that that is considerable progress to make by means of persuasion, and without having recourse to those other means which, whatever the right rev. Prelate may say, are calculated to defeat the object he desires. The right rev. Prelate will see that he and I do not differ, nor do the Commissioners differ, with respect to the necessity for the appointment of Chaplains with proper salaries affixed to the office. But they differ rather upon the mode according to which this is to be carried into effect throughout the Kingdom. With respect to the Motion of the right rev. Prelate, I object to it, because I am convinced, that if once this question is opened in Committee, it would excite feelings out of doors, and perhaps I do not say in this House, but elsewhere, that might have a most prejudicial effect; and instead of doing all the good which he and I mutually desire, tend to prevent the accomplishment of our wishes. There is now a Bill before the other House of Parliamen for the Amendment of the Poor Law; and it appears to me that it would be far better if there were introduced into that Bill some provision for the appointment and payment of Chaplains. I should prefer that infinitely to any inquiry before a Committee; and I hope that an effort will be made to introduce such a provision into that Bill, and that the law may be made as perfectly clear upon the subject as it has been in the instance, which was quoted by the right rev. Prelate, of the Irish Poor Law. As the matter now stands I do think it is on a most unsatisfactory basis. As I said before, in the original Bill there is no actual power given to the Commissioners for the appointment of Chaplains. They have it indirectly, but I think they ought to have it directly. I think they ought to have the power of calling on the Guardians to appoint Chaplains, giving to the Bishop of the Diocese, as now, a veto on the appointment. And I think also that something should be done in order that the Chaplain may be enabled to perform Divine Service in a proper place. These are the views I take of the subject. I agree with the right rev. Prelate in a great deal that he has said. I agree with him as to the necessity for such Chaplains, and that they should have adequate salaries. The Commissioners, in my opinion, have acted wisely in not unduly forcing the law upon the Guardians, but rather trying persuasion; and I think it would be better if the right rev. Prelate were to endeavour to amend the Bill which is now in the other House of Parliament than to have a Committee here, which, whatever he may think now, would rouse the feelings and passions of a great number of persons, and go far to defeat his own object.

The Bishop of *Salisbury* said, that having heard the statements of the right Rev. Prelate, he could not remain altogether silent upon a subject of such great importance. He was thankful to believe that the Union Workhouses in his own diocese did not generally exhibit so great a lack of spiritual instruction as those which had been referred to. Nevertheless, they could not but admit that the subject was one of deep importance, vitally affecting the character of the Legislature and of the Executive Government, and therefore deeply interesting to their Lordships' House. He could not forbear expressing his entire concurrence in nearly every word that had fallen from the noble Lord who had just sat down. He hailed the noble Lord's statement as a proof that the Motion which the right Rev. Prelate had made was not indeed in vain, and that it had been productive of good, by calling forth a declaration which could not but be deeply satisfactory to all who had the welfare of this destitute and unfortunate class of our fellow subjects at heart. He would only remind the House that these poor persons were not only their fellow-subjects, but by far the larger portion of them were Members of their own Church, every one of them in his respective parish having a vested interest by birthright in those spiritual consolations, which, unhappily in too many instances, appeared to be denied them in those houses to which they were removed, not by their own free choice, not as those who went forth and renounced voluntarily the rights, privileges, and blessings they had enjoyed, but as men who were constrained to do so by hard necessity. He rejoiced that there was now a prospect of this deeply important matter being satisfactorily settled.

Lord *Camoys* suggested that the Clergymen of every parish in a Union should contribute towards the support of the Clergyman who might be appointed to perform the duties of Chaplain in the workhouse. This he suggested as the means of avoiding dissatisfaction among the Dissenters.

The Bishop of *Exeter* expressed his gratitude for the intentions which had been stated by the Government upon this question. He understood the noble Lord to say that Government would introduce an enactment. [Lord *Wharncliffe*: No; I did not say that.] He confessed that, if it were not so, he himself must be under a great delusion; for the impression on his mind was, that the declaration of the noble Lord was, that instead of granting a committee, the better course would be to introduce into the new Bill a provision for the appointment of Chaplains, and that in fact it was intended by the Government to propose it. That was the only interpretation he could put upon the noble Lord's remarks.

Lord *Wharncliffe*: What I stated was, that my opinion was very much in concurrence with that of the right Rev. Prelate; that I thought every Union ought to have a Chaplain, with a proper salary. That I undoubtedly stated; and then I said it appeared to me that his Motion was not the best way to obtain his object, but that the best way was to amend the Bill now before the House of Commons.

The Bishop of *Exeter* was thankful that he had obtained the judgment of the President of the Council, that the best way of dealing with the subject was to amend the Bill now in progress through Parliament. The noble Lord did not commit his Colleagues; he had merely declared his own judgment. He (the Bishop of Exeter) knew the value of that judgment, and particularly in the Councils of Her Majesty; and though he could not say that the Government was committed, yet he rejoiced that the noble President of the Council had declared that such ought to be the course.

Motion negatived.

House adjourned.

HOUSE OF COMMONS,

Friday, February 23, 1844.

MINUTES.] BILLS. *Public.*—1°. Masters and Servants Bill.

2°. Poor Law Amendment.

Private.—2°. Ramsay Inclosure; Bury Inclosure; Lancaster and Carlisle Railway; Ribble Navigation; Liverpool New Gas and Coke.

PETITIONS PRESENTED. From Canterbury, in favour of Mr. Hill's Plan of Postage Reform.—From Whitchurch, by Mr. S. Crawford, from Taunton, and Crediton, by Mr. Fielden, from Oldham, and by Sir G. Strickland, from Preston, and Liverpool, for Withholding the Supplies. — From Wrexham, against Union of Sees of St. Asaph and Bangor.—From Leicester, Southampton, Huddersfield, and Swansea, against Increase in Military Establishments.—From Wellington (New Zealand), respecting certain Settlers. — From Radcliffe Colliery, against Export Duty on Coals.—From Wellington (Salop), against Alteration of Corn-laws.

Poor Law Amendment.] Sir *J. Graham*, in rising to move the second reading of the Poor Law Amendment Bill, said, he had an apology to make to the hon. and gallant Member for Brighton. On the occasion of moving for leave to bring in this Bill, the hon. and gallant Officer had asked him whether there was anything in it affecting Local Acts, and he had inadvertently answered in the negative; whereas, the fact was, that the Bill contained two clauses, the one of which, in some respects, limited the operation of Local Acts; and the other extended it. As this Bill was chiefly a measure of detail, not trenching materially on the principle of the existing Poor Law, he thought the House would probably permit it to pass its second reading without opposition. Any objections which were entertained against it might be made at the next stage. If there were no opposition to the course which he intended to take, he would move the Order of the Day for the second reading of the Poor Law Amendment Bill.

Captain *Pechell* said, that the 56th Clause of the Bill, in connection with the 17th Clause, had created considerable alarm in some parts of the country. He hoped the right hon. Baronet would not interfere with those who had conducted the affairs connected with the maintenance of the poor with advantage to all parties. There were many ameliorations and concessions to public feeling, he would admit, in the Bill. He hoped the right hon. Baronet would not pass any measure which would interfere with the Gilbert Unions.

Mr. *T. Duncombe* had no objection to the second reading of the Bill, though he thought that some amendments might be made in it with advantage, but those amendments could be made in Committee. He wished to ask the right hon. Baronet if it was his intention to grant a Committee to inquire into the operation of the Gilbert Unions, and, if such were his intention, when he proposed to move it?

Sir *James Graham* would take care that sufficient notice should be given when he was about to move for it.

Bill read a second time, and to be committed.

State of Ireland—Adjourned Debate (Ninth Night).] The *Attorney General*, in resuming the debate, said, Sir, I rise in the discharge of a duty which I believe this House and the country expects from me, in consequence of what has occurred in the course of this debate. I have, since the commencement of this debate, been so frequently called on, so frequently challenged, and so often alluded to by hon. Members, that if I had any reluctance, which I have not, I could not avoid joining in the discussion of the question now before us, and expressing my opinions on many portions of the subject. I was prepared to enter upon the discharge of this duty at an earlier period of the debate—I intended to follow my hon. and learned Friend, the Member for Worcester, and to have commented on many of the observations which he made in his speech; but I am sure the House will excuse me for saying that the moment I heard the word dishonour drop from the lips of my hon. and learned Friend, referring to my right hon. Friend, the Attorney General for Ireland, I at once thought that it would not become me to step in between any Gentleman and the vindication of his personal honour—and feeling this, I at once gave way to my right hon. and learned Friend. In what manner that right hon. and learned Gentleman discharged the duty which was imposed on him in vindication of his honour, I leave the House to judge—of the able and admirable manner in which he discharged that duty it may scarcely become me to speak, more particularly as the House has already decided upon it. But I must be permitted to say, that a more able and powerful speech, delivered in a more gentlemanly tone, and with a more manly bearing, I never heard in this House. Having expressed my opinion of the manner in which that duty was discharged, I now wish to observe that I have great pleasure in at once expressing my entire satisfaction to the right hon. Member for Dungarvon, at the explanation which he last night gave with respect to a trial, in which he was engaged as counsel for the prosecution, and which took place about fourteen or fifteen years ago in the county of Tipperary. I am not surprised that when it was suggested, that the right hon. Attorney General for Ireland might have called for a common Jury to try the traversers at the late Trials, that he was afraid of the effect of public opinion, if he were to exercise in that case the undoubted right of the Crown to set aside Jurors—I am not surprised, I say, that when such a suggestion was made in reference to my right hon. Friend, that he should, in consequence of that suggestion, have adverted to a trial which took place in Clonmel about fourteen or fifteen years ago, in which the right hon. and learned Member for Dungarvon was engaged, and on which occasion thirty-six common Jurors were set aside on the part of the Crown, and I am not astonished at the remarks made by my right hon. and learned Friend with reference to that proceeding. When the suggestion was made as to the course my right hon. and learned Friend might have adopted, it was natural that he should have referred to such an unusual exercise of the Prerogative of the Crown as setting aside those jurors; but after what fell from the right hon. and learned Member for Dungarvon last night with respect to that trial, I beg to say that I am perfectly satisfied that on the occasion of that trial, the right hon. Gentleman's conduct was actuated solely by a desire correctly to discharge his duty, and to promote the proper administration of justice. To the right hon. and learned Gentleman, therefore, if anything that falls from so humble an individual as myself can be of value to him, I say that I am perfectly satisfied with his explanation—personally knowing him as I do, and having heard him frequently in this House as well as out of it, I could not, from my experience of him, believe that he could be actuated by any other feelings than those which I have described. Sir, having discharged what I consider a debt of justice to my right hon. Friend I trust the House will extend to me its indulgence while I set myself right as to a point referred to by my hon. and learned Friend the Member for Worcester, namely the course which I felt it my duty to take on the part of the Crown in a recent case in the Court of Exchequer, where I, as Attorney General, consented that a trial should be suspended, the Jury discharged without giving a verdict, and the defendant allowed an opportunity of stating his case on a future occasion. Sir, that no mistake may be made in the House or the country on that head, I think it right briefly to state the particulars, and the ground on which I acted. Up to the period of that trial, it had been the invariable practice of the Departments, both of the Excise and the Customs, to state, as nearly as possible, the precise day on which the transaction took place which was to be the subject of inquiry. Now, every lawyer is aware that it is not a matter of such necessity to name the precise day, and that usually the precise day is not so material, if the defendant is afforded a knowledge of the character of the offence charged, and about the time as nearly as possible, when the occurrence took place. For a plausible reason, which satisfied him for a time, the able and learned person whose assistance I had in that case, did not name the 24th of August, which was about the day but instead of that day, named the 24th of December, a period of four months later. That was an entire departure from the ordinary course of the Department, which I did not approve of, and when I heard that such a course had been adopted I discountenanced it, and begged that it should not be repeated, and I said this the rather because the hon. and learned Member for Worcester, about a fortnight before, when acting as Counsel for a defendant in the Court of Exchequer, expressed his regret that the defendant did not know the day, and on that occasion I told my hon. and learned Friend, who had been Solicitor General, and who well knew the practice of the office that the defendant could have no doubt as to about the time when the transaction which was to be the subject of the enquiry took place. When the trial came on in the Court of Exchequer, I had not the slightest idea that the objection would be made, and if I knew the party would have been in any difficulty as to the real day, I should have had no hesitation in at once agreeing to give him any reasonable delay which he might require. It was not until the defence commenced that the objection was brought forward. The Solicitor to the Excise was then put into the witness-box. and he stated, in answer to a question, that it was the invariable practice to name the real day as nearly as possible, and that the day was named in this case four months later. The counsel for the defence addressed the Jury, and said the defendant had been kept in ignorance of the precise day on which the alleged offence was committed. I then interrupted him in the middle of a sentence, and, in order that there might be no ground for complaint on the part of the defendant, I said I would agree to have the trial suspended, the Jury discharged, and that the defendant should have the notice according to the usual practice in such cases. What I proposed was done with the sanction of the Court, and the consent of the other side; and I feel that it was advantageous to the subject, and honourable to the Crown. Sir, I may add, that I am happy to find that in conducting the prosecutions the course I pursued was approved of at Lancaster, Cardiff, and Carmarthen, and I shall have occasion presently to call the attention of the House more particularly to these transactions. The favourable manner in which the House has been pleased to receive a notice of my conduct will undoubtedly animate me in the faithful discharge of my duty. And here, Sir, I may observe, that I should be wanting in fairness to my right hon. Friend at the Head of the Government, if I omitted to state, that one of the principal encouragements which I received in the course of my public life, was from him, and I trust that it will not be considered out of season, if I mention what took place when I was first appointed Attorney General in 1834. If there was any advantage in coming into office with very slight knowledge of its duties, and with an hon. and learned Colleague no better off in that respect than myself, I had that advantage. My Parliamentary experience was not great—that of my hon. Colleague was still less. A case of difficulty arising under such circumstances, it was very natural I should endeavour to avail myself of the great experience of my right hon. Friend at the head of the Government. He gave me the advice I sought, and having done so he said:—"You never need come to me again for advice. The responsibility is yours—and let me give you this general direction. When you have any matter of difficulty before you, consider well before you act; make yourself master of the subject; don't decide in a hurry; ascertain what is your duty with reference to the public interest, and when you have ascertained it, look neither to the right nor to the left. See what is due to the interest of the Crown, and also to the advantage of the public, and when you have ascertained your duty, discharge it. Should I differ from you I will do justice to your motives; that is the only advice I wish to give you, and having given you that advice I leave you to the discharge of your duty under those directions." This was the only advice I ever received from my right hon. Friend, to this moment. It was advice worthy of the first Minister of the Crown, as given to its first Law Officer. It gave me courage and confidence in the course which I have since pursued, for it enabled me to look not merely to the letter of the law, not merely to read the statutes or a digest of the Common Law, but to take the law to be administered at all times, as far as possible, in accordance with sound public opinion, and in unison with the sympathies and feelings of the great body of the community. I have now to advert to that which forms a large portion of the discussion in which the House has been engaged, and it is a portion of that discussion which exhibits very forcibly the danger which may arise from having legal subjects of this nature brought under discussion in this House, whilst proceedings are still pending. I do not mean in the slightest degree, I beg the House to understand, to impugn the authority of the House to discuss such matters, on occasions that might possibly arise. If the House was sitting, it might be right to take notice of a proceeding at that time actually going on. I concede fully the right of the House, or of any hon. Member of the House, with adequate cause, to make a proceeding of that nature the subject of inquiry; but having admitted that, I must say, that there may be great inconvenience produced by the frequent discussion of such subjects, and that the interference of the House in matters actually pending has a tendency to interfere with the administration of justice, and to destroy the confidence of the public in the purity of that administration; and if any part ought more than another to be kept free from an interference calculated to produce that effect, it is the administration of justice as regards the Criminal Law of the country. That interference may be to-day to protect a person supposed to be unjustly accused or unfairly tried, but to-morrow it may be to immolate a victim of popular prejudice, and to sacrifice a person to feelings entertained contrary to the principles of law and justice. Admitting the power of the House, I should, for my part, have desired that matters, which are still pending, and a large portion of which will be, perhaps, the subject of inquiry and discussion elsewhere, should not have been brought under the notice of the House. I should, therefore, have wished, if possible, to have avoided touching on those matters; but at the same time, as the subject has been entered on, I am not sure that I shall not agree with the hon. and learned member for Bath, in thinking that it would be better to go into the whole of it, for it is scarcely possible to discuss such a subject piecemeal. I shall, however, in alluding to this subject, bring forward for discussion, that part only which I am imperatively called on to enter upon, and in doing so, I shall avoid any observation of an acrimonious or bitter character with reference to any one connected with it, or who has spoken on it, on either side of the House. The notice which I feel disposed to take of speeches in this debate, principally applies to the speeches or Members of my own profession. I had not the advantage of hearing the speech of the hon. and learned Member for Cork, (Mr. Sergeant Murphy), but I had the advantage of hearing the speech of the right hon. and learned Member for Edinburgh, who stated that he was no lawyer, though why he so studiously repudiated the profession to which we both belong I am unable to tell; but I must say this much, that I went with him on the Northern Circuit, I held briefs with him, and I know he is a man of too powerful a mind not to be able easily to master the details of our profession, and too honest a man to practise it if he had not mastered them. I shall, therefore, still continue to look upon him as a member of that profession, and to call him my right hon. and learned Friend. He was selected for the office which he held in the East Indies, because he was a lawyer, it was connected with the formation of a code of laws, and he was succeeded by Mr. Amos, a Gentleman amongst those of the highest legal attainments in Westminster-hall. Unless my right hon. and learned Friend were desirous of mixing bad law with worse politics, and for that reason repudiated his profession, I know not why he should have separated himself from us. But I cannot afford to lose the "*decus et tutamen*" of the profession; and if he is anxious to stray away from the flock he must permit me to go after him to reclaim him, and try to bring him back again to the fold! I must treat the speech of my right hon. and learned Friend as the speech of a lawyer. I am not disposed to do him any injustice, and I must say that, I heard with the greatest delight the delivery of the speech of the right hon. and learned Gentleman. I must say it more deserved the name of a splendid oration than a speech in debate. I listened with delight to the outpourings of that mind so richly stored with varied information. I marked with pleasure the pouring forth of that profusion of intellectual wealth, which he possesses in such abundance, intermingled with similes drawn from ancient and modern literature, and illustrations from every part of the world, and from the history of all times. I heard all this, Sir, till envy, if I could have felt it, would have been lost in admiration. It was impossible to hear his glowing language —his glittering antitheses—his magnificent periods—his powerful and strong points—so well worthy of attention here or in any other assembly, without the highest pleasure and gratification. But it was rather the oration of a poet, an author, or an orator, than the speech of a great statesman, and I looked and looked in vain, from the beginning to the end of that speech, for anything practical. I heard the right hon. Gentleman complain of everything and everybody; but with all the leisure which he could devote to the subject, he allowed his sympathy for Ireland to expend itself in barren generalities. Perhaps I cannot do more from the position which I occupy; but the right hon. Member for Edinburgh has ample leisure and ample talent to devote to the subject, and yet I looked in vain through his speech for anything practicable—for anything to grapple with. I found in it nothing but meagre details relative to a profession which he professes to have abandoned. The right hon. Gentleman referred to the constitution of the Jury at the late trials, and said that the Crown ought to have been contented with a common Jury. That was repeated by the hon. and learned Member for Worcester, and also by the right hon. and learned Member for Dungarvon. Now, that was never suggested until it was suggested in this House. The counsel for the traversers, fifteen in number, never suggested it; and when the right hon. and learned Gentleman opposite now suggests it, I must say that I am not bound to entertain a proposition which was not made at all at the trials, or before them. I do not think it my duty to speculate what would, or what ought, to have been done with a proposition which was not made till the trial was completely over, and, as I before said, never, I believe, suggested until last night. My hon. and learned Friend, the Member for Chester, if I mistake not, did suggest that it might have been done; but if anything in this Debate is to turn upon this point, I have a right to say that it ought to have been mentioned at a time when it could have been acted on, and not at this time. Now, with respect to the question of a special or a common Jury, I am not, Sir, versed in the details of the proceedings in Ireland, and I am unable to say which has been the practice there; but I beg to say, that in this country I should just as soon have thought of trying such a case by a Common Jury as I should have thought of trying a case of High Treason at the Quarter Sessions. I say boldly, that I am not aware of a single instance where a trial of this sort has taken place by a Common Jury. As far as I know, in the history of English jurisprudence, a trial of this description has never taken place except by a Special Jury; and I must say, that if I, as the representative of the Crown, on any occasion consented to depart from that established practice, I should think that I betrayed the duty that I owed to the Crown, without being at all certain that I advanced the security of the subject in the administration of the law. I do not know what may be the practice in Ireland, but I say boldly, in the face of the House and the country, without pledging myself to what should be done in the particular case to which my right hon. and learned Friend referred last light, I should unquestionably have advised a Special Jury, and dissuaded from resorting to a Common Jury; and I should consider myself wanting in my duty in respect of my office, if I departed from the usual course. Sir, that course was the course taken, after deliberate consultation. The law officers of the Crown here were consulted as to the practice, and they gave an unhesitating opinion that the case ought to be tried by a Special Jury. They had not the slightest doubt about it. They advised a Special Jury, and they advised it for this reason, that in the case of a Special Jury you have, to begin with, forty-eight names taken indifferently by ballot from the whole panel, or rather from the entire list of the Jurors' books. In the heat of argument the right hon. and learned Gentleman spoke last night of the Jurors being "selected." Why, Sir, none of them are "selected." There are forty-eight names drawn by ballot. If I mistake not, the Jury-book for Dublin would furnish more than fifteen times forty-eight. The List is so large, that you could, out of the book, get no less than fifteen complete panels. My right hon. and learned Friend, therefore, ought not to have spoken of the Jurors as "selected." They are all taken by ballot from the List, and they are so taken with a power of objecting to the name of any one when drawn; so that you begin by taking the entire list, and you get forty-eight names which are supposed to be free from prejudice. The noble Lord, the Member for the City of London, appears to deny this: if he will look into the Act of Parliament—nay more, if he will attend to the practice, he will be aware that forty-eight names are taken from the book, but not the first forty-eight that you may happen to stumble on, but forty-eight taken by ballot, and therefore free from any suspicion. There is a power of objection as to the parties as the names are drawn forth; and if any person is incapacitated from serving, as the names are drawn, there is a power of objecting to him. Nay, more, I apprehend there is a full power of applying to the Court to quash the return, and to direct a new panel if any mischance has occurred by which the Court is persuaded that there could not be a fair trial. Well, then, the forty-eight names being selected purely by chance, they are reduced to twenty-four by each party striking off twelve, and then the actual twelve who are to sit upon the trial are to be the result of a further ballot —taking twelve of the twenty-four. In this country we find that this method of selecting juries is free from reproach, free from difficulty, is satisfactory to the public, and is an additional instrument in insuring impartiality in the administration of justice, whereas I must say, that to leave to the Crown the power to set aside Common Jurors — to cast that odium upon the Crown, would be very unwise. Why, my hon. and learned Friend, the Member for Worcester, thought the odium so great in practice, that he said the officer of the Crown would not dare to incur it, and that when it became necessary for the Attorney General to say, "Thompson, you stand aside; Jones, stand aside," such an outcry would be raised, that he would not dare to go on. It was for the purpose of avoiding that;

and, as the defendants in misdemeanor have no right to challenge except for cause shewn, it was the deliberate opinion of the Law Officers at this side of the Channel as well as the other, that there should be a Special Jury: because here it is the usual practice, because it secures—so far as the Panel is impartial—an impartial Jury, and because it places the Crown and the traversers precisely on the same footing. It may be, that when you come afterwards to examine the matter as my right hon. and learned Friend the Member for Dungarvon has done, perhaps correctly—I am sure with perfect correctness as regards his own views and the information he has obtained—there may be particular cases in which the list may be unfavourable to the traversers, and the Jury may not be selected with good fortune to them. That might be a ground of application to the Court, but it is no ground of accusation against the Public Officer who has the conduct of the Trial. I am sure the House will allow me to state what occurred at Carmarthen; and one reason why I have entered so deeply into the character of my right hon. and learned Friend opposite, and into the explanation of the statement of facts made by him, is this, that I was placed at Carmarthen in precisely a similar situation. I went down to Carmarthen, a very small county, with a small population, and a very limited Jury List. I am sorry to be obliged to make these disclosures, but it is necessary in order that the House may understand the difficulty in which a Public Officer may be placed, and I can well understand how my right hon. and learned Friend must have felt the difficulties of his position. Numbers of persons had been out in different parts of that county to such an extent, that when the List of some seventy-two names was placed before me, I was credibly informed that a very considerable number of the persons on the List had been some of them actually out in the riots and outbreaks which they were coming to try, and others, supported by their relations, servants, neighbours and friends, and there were above thirty names on that Panel whom I could not call with safety, nay more, whom I could not permit to remain in the Jury Box without injustice to the Crown. Why, Sir, what was I to do in such a situation? [Mr. *Roebuck*: "Hear."] I will tell my hon. and learned Friend the Member for Bath that I half shrunk from the performance of my duty, and well I might do so, having on one occasion to set aside thirty Jurors. And what enabled me to do so? It was the certainty that if I should be challenged in this House, I should be enabled to give a sufficient answer for my conduct. And why was this? I knew the purity of my own motives, and more than that, I knew that on former occasions there had been those favourable expressions of opinion with regard to my conduct, which enabled me to feel that character was strength, and that I could dare to perform that duty from which another might perhaps have flinched, from a fear of unmerited unpopularity attaching to his name, and destroying his right to the good opinion of his fellow subjects. I consulted the learned gentlemen with whom I was associated—who went that circuit; they were diametrically opposed to me in politics. I mention this for the purpose of saying that I placed the more confidence in their opinions. I felt that they were prepared to discharge their duty, as I was mine. They told me the state of the country, which to some extent they knew, and the habits of the people of that district, where no trial scarcely took place without many challenges on either side, and that I might rely upon the information I should receive on those points from the local Attorney. Well, Sir, having the support of my learned friends, and with the undoubted information that I received, I felt called upon to exercise to the fullest extent the Prerogative of the Crown, and to get a Jury from whom a firm but fair and impartial Administration of Justice might be expected. I will ask my right hon. and learned Friend opposite, could my right hon. and learned Friend the Attorney General for Ireland have dared to do so much? I admit that it was almost impossible. I admit that what was done in Tipperary by the right hon. and learned Member for Dungarvon, in 1829, fifteen years ago, could not be done in Dublin in 1844. I think there would have been raised such a clamour, such an expression of public opinion—and there would have been such an appearance—whatever might be the reality—of partiality and unfair proceeding, that no Officer of the Crown ought to have risked placing himself in such a position; and I have no hesitation in saying that it was, therefore, the duty of my right hon. and learned Friend to try the case by a Special Jury. Well, but then it is said that this was all pretence, that there was unfairness in the proceeding. Why, let me beg the attention of the House to the matter for a single moment. There are forty-eight names drawn, each party striking off twelve. The Crown has a right to strike off twelve and no more, and the traversers have just the same right, and they may exercise this right in the most capricious manner, and as my learned Friend the Attorney General for Ireland said the other night, if the defendants were to strike off names for their own benefit, and the Crown then to strike off names for their benefit also, this would be a double strike off in their favour. I do not think that could be expected. I am perfectly ready to yield this, that the right to strike twelve names out of the Panel, as it is to be performed either by plaintiffs or defendants, is one of the most absolute rights known to the law. I admit that on the part of the Crown that right is to be exercised with deference to public opinion, but that deference to public opinion is not to be allowed to operate to the prejudice of the performance of a substantial duty. And then I freely admit that, *ceteris paribus*—if they stand before me indifferent—Catholic and Protestant, and if the attention of the party striking off the names be drawn to the fact, that if he leaves no Catholic on the Jury it may create a false impression, and prejudice the case; under such circumstances having to strike off either a Catholic or a Protestant, I must cordially say, that *ceteris paribus*, I should be disposed to leave on the Catholic rather than prejudice the case. And here I must be allowed to correct a misconstruction put by the right hon. and learned Member for Edinburgh upon the use made by my right hon. Friend, the Secretary for the Home Department, of the word prejudice. My right hon. Friend used the word in the sense of false feeling, but the right hon. and learned Gentleman chose to take it up in the sense of injury. But how stand the facts of this case; was it a case *ceteris paribus?* Why, Sir, I will go further, and say, so much do I feel the importance of consulting public opinion, and observing a respectful deference even to prejudices, that may be abroad, that I would make a concession beyond that. But the question is, how does the matter stand? In the first place, a clamour was raised that every Catholic was struck off, because he was a Catholic. Now, however, that is given up. The right hon. Gentleman opposite, says, that as to eight of the Jury, on that ground he has no complaints to make. He admits that as to the eight it would have been a dereliction of duty if those gentlemen had been left on the Jury. And now, with respect to the others, I believe, there has been a mistake with respect to the actual number of Roman Catholics on the Jury List. I should be very sorry to trouble the House with minute details on this point. I have endeavoured to avoid it, and to compress my observations into as compact a form as is necessary, consistently with the performance of my duty. I believe there was one more than the number originally mentioned, I believe there were eleven, and that of the number nine were Repealers. There was no question about nine of them, but a question arose as to Mr. Henry and Mr. Dunn. With respect to Dunn, I have a paper here in which his name appears as one of the requisitionists for a meeting in May 1842, on which occasion the parties signed one resolution, amongst others, in which they pledge themselves, individually and collectively, to use their utmost exertions, personal, pecuniary, and influential, to forward the sacred cause of Repeal by all constitutional means, and to continue the Repeal struggle as suggested by the Liberator. I will not utter taunts or reproaches on this subject, but I beg to say that a person who was so connected with the case to be tried was an individual, who, if the fact was disclosed, ought to be struck off! He could not stand indifferent as the others; and while it was the duty of the Crown to exercise their right, with deference as to public opinion, I say the law officer would have sacrificed to a perverse and spurious liberality his duty to the Crown if he had left that man on. Then, with respect to the other, Mr. Kemmis distinctly states that at the time when Mr. Henry was struck off, he believed him to be a Protestant and a Conservative. I have a right to ask from Gentlemen opposite, credit for Mr. Kemmis, as a gentleman, and a man of honour, when he declares in his affidavit, that being compelled to strike off one more Juror, he did not know that he was a Catholic, and that he struck him off as the least eligible of those to whom he had no objection. There were reasons for that opinion of Mr. Kemmis. My right hon. Friend, the Secretary for the Home Department, did not think it right to state them the other night, and he not having stated them, I do not think it right on my part. I do not know that they might not be stated without impropriety, but it will be sufficient to say, that there were reasons why Mr. Kemmis might prefer other Jurors to him, although those reasons did not involve Mr. Henry in any suspicion, and although Mr. Kemmis supposed him to be a Conservative and a Protestant. Well, the charge is cleared away, of having struck off all the Catholics for no other reason than that they were Catholics. There were removed eight members of the Repeal Association; a ninth was found to have attached his name to a requisition for a Repeal Meeting; and, with regard to the other, there was not the least idea that he was any other than a Protestant. Really, I must say, if this is true, it is deeply to be regretted, that any feeling should have been raised of any intention on our part, to insult our Catholic fellow-subjects. I beg to say, for my own part, that no Genman opposite, not even my right hon. and learned Friend himself, would more deeply regret such a fact, or the suspicion of such a fact, than I should; and I am sure that in this sentiment I have the entire concurrence of my hon. Friends near me. I shall now advert to the speech of my hon. and learned Friend, the Member for Worcester. Some mistakes fell from him, to which I must beg to call the attention of the House. In the first place, I own I was perfectly astonished to hear my hon. and learned Friend put the question. "Where are the liberties of the people of England buried?" and meet it with this answer, "They are buried in the Courts of Common law." "Where, or how is it (asked my hon. and learned Friend) that the rights of liberty are swamped?" "By means of the Common Law." I do not know whether my hon. and learned Friend is in his place or not. I have no intention to utter a syllable which could give him the slightest offence, but I cannot help saying, that if he had drunk of the streams of Common Law, as the great lawyers of old —if he had tasted that spring in the spirit of our ancestors—he would never have made those observations. I hope my hon. and learned Friend, the Member for Bath, is not prepared to go along with him in that statement. I will not call it a libel on the Common Law. The Common Law, the grave of our liberties! Why, it was their cradle—it was the source from which we derived some of the first principles of liberty which the bold and manly character of our country has since swelled out to the size at which we now find them: if it were not for the Common Law, I doubt that we should have a single spark of liberty in the country. It is impossible; you cannot exaggerate the importance of Trial by Jury, which is part of that Common Law. We owe to the Common Law the collection of twelve men to inquire into the guilt or innocence of those accused, and to pronounce their opinions upon the actions of every one of the subjects of this country. We owe to the assemblage of Juries, to meet and discuss matters submitted to them, more liberty than to any other cause. It is by meeting in this way that we have discovered our strength, and I will add, that Juries have continually worked out those liberties which we are now enjoying. That is one instance. And who was it that pronounced general search-warrants issued by the Secretary of State to be illegal, after they had continued from the Revolution downwards to about 1770, when the Court of Common Pleas, and subsequently all the Judges, pronounced that the Judges could not make law, and that general search-warrants had no foundation in the Common Law—that they were unknown, contrary to the genius of the Constitution, and could not stand; and this after they had existed for upwards of 100 years. No one had called them in question till then; and an opinion of the Judges before that time would have been extra-judicial; but the moment when the matter was brought before them, they gave an opinion in favour of the rights of the subject. But was there no other instance? What was the first effort on behalf of the human race for the extinction of Slavery? The liberation of the negro Somerset, in 1780 Somerset, the negro came to this country, and was reshipped, to be conveyed to Jamaica. A writ of *habeas corpus* rescued him from his dungeon in the ship; he was brought into Court, the question was argued, and it was pronounced, that the liberties of every man in this kingdom was commensurate with the shores of the country, that the noxious spirit of Slavery could not exist here, and that the moment a Slave touches the sacred soil of Liberty, the fetters drop from his feet, and he becomes a free man. Why, our own domestic slavery has been entirely removed by decisions of the Courts of Law, time after time. There was a desire to wrest and turn everything in favour of liberty, which the breath of the Common Law inspires from the first to the last maxim it inculcates. I will not dwell upon this point: but it is remarkable what instances are to be found of greater respect given to Courts of Law even than to the Legislature itself. I entirely agree with the hon. and learned Member for Worcester in the argument in which he was so ably supported by my right hon. Friend, on the subject of the privileges of this House. I differ from the practical application of it, but I know, and my hon. and learned Friend, the Member for Bath, knows, that there are plenty of Gentlemen in this House, and many more out of the House, who are glad to have the Courts of Law as a refuge from the possible tyranny of this House; and I will remind the House that our Transatlantic brethren when they founded their Constitution on the basis of the purest Democracy, took care that the Legislature should not spoil it, because they gave the Supreme Court power to annul any Act which it held to be *ultra vires*, and contrary to the spirit of the Constitution. A complaint has been made that my hon. and learned Friend (the Solicitor General) said that there are certain Acts of Parliament which are not to be discussed in this House. I did not so understand my hon. and learned Friend, and I think it is impossible for any Lawyer to lay down such a proposition. The charge of Lord Loughborough, in the Court of Common Pleas, on the Trial of Lord George Gordon, which the House is aware arose out of riotous and tumultuous assemblages to obtain the repeal of certain Acts in favour of the Roman Catholics, laid it down that those and all other Acts were open to public discussion: but what my hon. and learned Friend meant was, that there are some Acts which so immediately affect the institutions of the country, and go so completely to the root of the Constitution, that although they have the same foundation in point of law, yet, according to the good sense and practice of mankind, are viewed in a different light. My hon. and learned Friend alluded to the Act of Settlement and the Act of Union, and what he meant was, that those Acts ought to receive from Statesmen and subjects a different consideration from other Acts of Parliament. What would be the effect of repealing the Act of Settlement? There is no doubt that any law may be made the subject of discussion and petition; but I ask whether anybody would propose for petition and discussion the Law of Succession to the Throne? that that which is established in this country should be altered for that which prevails in France? There are discussions on certain topics which it is felt that it is wise should be avoided—there are parts of the Constitution which it is well should not be shaken. Now, as to the observation of the noble Lord, the Member for North Lancashire, which has been objected to, that we ought not to discuss the proceedings in the Courts of Westminster, and I am sure the hon. Member for Bath will go along with me in saying this—that unless there be a case of urgent necessity, they ought not to be interfered with, unless there be strong reasons for taking that course, the proper and the Constitutional course is, after the matter has been discussed before the proper tribunal, after it is completed, not before, to complain to this House if wrong be done. And I must say, with regard to an inquiry by the House, even, it ought not to be proceeded with except upon proper notice. For instance, look to what has happened with respect to the Attorney General for Ireland. My hon. and learned Friend, the Member for Worcester, came down here, on the sixth night of the debate, with a variety of papers which he had never moved for, which were in the hands of no Member of this House, except his own, of which I did not know anything, and with respect to which, though I was to reply to him, I had not the slightest notion of the course he was going to take. A period of the evening, too, was selected for his speaking, which precluded an answer being given to him that night. And now, having said this much of him, let me do him this justice—a fairer man, or a juster man than my hon. and learned Friend the Member for Worcester, there does not exist. I would trust my life, and every thing that I had in the world, in his hands. Incorruptible, honest, faithful, zealous, he would do no wrong willingly to any man, least of all would he do an injury to any man, by any course that could be susceptible even of the charge of unfairness. This, Sir, is the sincere, the willing testimony I tender with respect to one, between whom and myself there has lasted a friendship now of thirty years. It began between us at school; it continued at college; it has been matured in manhood. He is, I say, utterly incapable of doing anything liable to the charge of unfairness. And yet, what comments might be made upon his coming here at a late hour of the night, not giving any notice, not letting any one know, even in the slightest degree, the charge he was about to make against the Irish Attorney General? But why do I point to this? For this reason; that we may all learn a lesson from it; not slightly, rashly, suddenly, to impute improper motives to honourable men, who may not at the moment perceive the construction to which their acts may be liable. I ask for myself; I ask for my learned Friend the Attorney General for Ireland, a candid and fair construction for our conduct from others, who may not be fully aware of the reasons that have influenced that conduct. My right hon. Friend the Member for Edinburgh has thrown out a suggestion, and my hon. and learned Friend the Member for Liskeard has spoken also of the doctrine of conspiracy as a questionable doctrine. The doctrine of conspiracy is, I believe, as old as Common Law. I know that there is a definition of it in a statute, and in that definition has been found an expression of great import, and which really comprises almost the principle of every case. I have a portion of the statute here, and that statute professes to state what is a conspirator, and like many of our old statutes, as the hon. and learned Member for Bath perfectly well knows, it gives rather an example of a principle than a detailed Code of Law. It is stated in that Statute that a conspirator is one who confederates with others to charge a man with a false crime, and "such as retain men in the country to maintain a malicious enterprise." If then a man combines or confederates with others for the purpose of effecting a malicious enterprise, he is a conspirator. I believe that the Law of Conspiracy was correctly laid down by the Court. As to the Law of Conspiracy itself, I do not feel it necessary to vindicate it from whatever my hon. and learned Friend the Member for Worcester may have said against it. There never yet has been any attempt to get rid of that Statute; and if my hon. and learned Friend has any objection, any serious objection to the definition of the crime of conspiracy, it is high time for him to legislate upon it. Whether he may succeed or not, I shall not pretend to say, but I can hold out no hope of offering to him any assistance. As an instance of what a conspiracy may be, I refer to the case of a number of officers who all resigned their commissions on the same day for the purpose of compelling a noble Lord (Lord Clive) to resign his government. There a legal act was done by each; the crime there was the confederacy to do that which would place the Commander-in-Chief in such a position that he would be compelled to comply with their wishes, and to do this by a measure that was perfectly legal in itself. Every one of those officers was competent to take the course of resigning his commission; that he might freely do so; but the moment it was done in a confederacy with others, it was pronounced by the Judges to be an unlawful conspiracy. There are general rights, the exercise of the rights of property, and all other rights, free from all control except that which belongs to public opinion, and the satisfaction of a man's own conscience; but when several persons combine together, they have a power which not one of them alone can possess, and the public safety demands that criminal associations for unlawful ends, by acts that may, in themselves, be perfectly innocent, should be punishable by law. It so happens that no man is responsible by law for a departure from the truth. If an inquiry be made of a man as to the character of an individual, his state in trade, no man is responsible; he may answer truly or falsely; but if several persons join in one common falsehood, to raise, for instance, the price of the funds, or to injure the credit of any one; then, though each might state with perfect impunity that which was not true, yet the confederacy with others to propagate a falsehood, makes each become amenable to the law for that combination. There is, too, a passage in *Hawkins*, where it is said that parties combining together to maintain a matter, whether true or false, makes them conspirators. But I am not disposed to go further with this. Let us, then, see what is the accusation, and in speaking of the accusation itself, let me guard myself against being suffered to utter one word against the accused. I consider the situation of those charged with the offence entitles them to the greatest forbearance. There is the verdict of a jury; but it is open to them to move an Arrest of Judgment, or the Judgment itself may be reversed by a Writ of Error. I, for one, Sir, hope that from my lips upon the heads of the accused not a single expression shall fall of taunt or reprobation, even though I may speak of the acts with which they were charged. The substance of the charge is this—that they combined together to procure a Repeal of the Union, by producing sentiments of alienation in the minds of the subjects of the United Empire, and by the intimidation of the Legislature of the United Empire. They may be guilty or not; but that is the charge against them. My hon. and learned Friend the Member for Worcester, has said that the charge in this case is like to the charge against Lord George Gordon. It is no such thing. That was for levying war; this is for a conspiracy. This is not a conspiracy to levy war; but it is a conspiracy to overawe and intimidate the Legislature, and by that means to produce a Repeal of the Union. [Mr. *Roebuck:* What was Hardy's case?] That reminds me of what is still said in Westminster Hall with respect to that case. After a long trial, and all the parties had been acquitted, it was said that Lord Thurlow, having heard of the proceeding and the result of it, remarked—"the mistake was in indicting them for high treason; if they had been indicted for a misdemeanor, they must have been certainly convicted." What was meant was this—if you had indicted them as conspirators you must have succeeded, but as you indicted them for a levying of war, and could prove no levying of war, you failed. But then it was said, why allow all this to go on? Why not indict them for their illegal acts? Why not indict one man for a libel—why not indict another for attending an unlawful assembly, and why not give some notice of your opinion of these proceedings? Why allow Mr. O'Connell to fall into a trap; why allow matters to go to such an extreme? Now, Sir, I recollect a discussion taking place in this House in May last, with respect to the dismissing the Magistrates who had attended those meetings. Could, I ask, the Executive to have given in a better, a stronger, and in a more marked manner, the opinion they entertained with regard to those meetings, than dismissing the Magistrates who attended at them? What more was wanted? But then you may say, why not have indicted persons for attending those meetings? Why, Sir, the very Jury, who were supposed to have been packed, for the purpose of convicting *per fas aut nefas*, actually found all those meetings to be legal. The very fact is, at the same time, a credit to the Jury, and a justification of the Government. It shows that the one was discriminating and the other prudent. No doubt those meetings, as they occurred from time to time, were the subject of anxiety and of consideration on the part of the Government. I do not mean that I was called in—that the Attorney General of England was called upon; but I know that it became a subject of considerable anxiety to me as a Member of Parliament, and as a private individual I had the greatest difficulty in forming an opinion as to those meetings. The hon. and learned Member for Worcester has observed, that mere numbers do not constitute the illegality of a meeting. He has said, quite truly, a large number of persons collected together to see a balloon, or a review, or Her Majesty's going to Court, is not an illegal assembly, and, therefore, the mere numbers do not constitute illegality. I admit, then, that this was justly a subject of the most anxious consideration; and it now turns out, that if these parties had been indicted for holding an illegal meeting, it would have been perfectly fatal, for a verdict of acquittal would have stamped them with the character of lawfulness. It is plain, then, that it would not have been right on the part of the Government to have meddled with these meetings. But then it has been said, "Why was not a proclamation issued?" Suppose a proclamation had been issued, how could it be enforced? Were you to send out troops, and disperse the meeting? I cannot entertain a doubt that, with that verdict to sustain it, the prudence of the conduct of the Government ought to be manifest to the whole world. If you could not get a Jury in Dublin to find those meetings illegal, what chance was there that a Jury in other parts of the country would have found them to be so? I ask the right hon. Gentleman opposite (Mr. Sheil) what would have been the result with a Jury in Tipperary, if you indicted one of those meetings as illegal? The right hon. Gentleman has said that you cannot get a Jury there to do their duty. The right hon. Gentleman forgets what has occurred. I have not brought *Hansard* down here; but I looked at it this day. If, however, he says that he forgets he ever uttered such a sentiment, I shall forget I ever read it. I will not pursue the point further. But, then, it has been said, why not punish the libels as they were published? And here, Sir, I must refer to my own practice. I have a great objection to a prosecution for libels. It may be an odd thing for an Attorney General to say, but I do not hesitate to avow my objection to prosecutions for libels. The law itself is in such a state, the administration of it has been in such a state, and the licence that has grown up, when I had no control over it, has brought it to such a state, that I have repeatedly said, when called upon to give an opinion to a private complaint—"What have you been accused of?" The answer has been—"I have been called names and vilified." Then, my reply has always been—"Unless you can show that there has been a distinct allegation against you, charging you with a crime from which you can purge yourself by affidavit, in the name of common sense let the matter rest! Suffer yourself to be abused. Hard names break no bones. You are receiving the same dose in common with the greatest Statesmen on both sides, in both Houses of Parliament, are daily in the habit of receiving." I hope I have not been wrong in this. I speak of what I think a prudent Attorney General ought to practise, and what I have done in that situation, and when consulted by a private prosecutor. Neither am I anxious to prosecute for sedition; for it is difficult to say where fair discussion ends, and where sedition begins. Then as to prosecution for libel, I know no question more difficult to determine than at what period a law officer would be justified in filing an *ex-officio* information for libel. I have never filed an *ex-officio* information. But I share that distinction with several of my predecessors. I believe my hon. and learned Friend (Sir T. Wilde) never filed an *ex-officio* information for libel. I believe Sir J. Campbell never filed an *ex-officio* information for a political libel—he did for blasphemy. There was also the exception, in the case of F. O'Connor, about whom I shall have a word to say presently. Sir W. Horne never filed an *ex-officio* information for libel, nor Sir T. Denman, and Sir J. Copley, as Attorney General, never filed an information for a political libel. Since the passing of the Reform Bill there has been no *ex officio* information filed for a political libel. The right hon. Gentleman (Mr. Sheil) read a libel from the *Nation* newspaper. It was a libel, undoubtedly, but who was the author? Mention has also been made of an address to the army; I think, in that case the name was appended to it. [Mr. *Sheil*: Yes, Mr. Power.] I recollect, too, the prosecution of a person of the name of Barrett, who was tried and convicted and went to prison, as a libeller, for the publication of a letter, and to that letter was appended the name of "Daniel O'Connell." There was not at the time any disposition not to prosecute Mr. O'Connell. The only reason why he was not prosecuted instead of Mr. Barrett was, that they could not prove the letter to have been written by him, although it purported to be signed with his name. In the same way I do not mean to say, that there is any reason for not prosecuting Mr. Power as the writer of the declaration referred to. Do not let hon. Gentlemen opposite suppose that I am taunting the Whig Government in saying this, I am averse at all times to these *tu quoque* arguments, which I think are mere waste of time. I only referred to the other case for the purpose of showing how difficult it is to sustain such prosecutions. What was the course pursued as regarded Mr. Feargus O'Connor? He was prosecuted by the Whigs for libel, tried at York, and sentenced to fifteen or eighteen months imprisonment. Nearly the last act of the Whigs by the way, before they went out of office, was to let Mr. O'Connor loose. I do not introduce that remark in any spirit of ill-humour; but such was the fact. It happened that some time afterwards the Chartist Association sprang up. I found violent libels published in Mr. F. O'Connor's paper. I found meetings of Chartists of all orders and ranks; and I found another paper published by another person, sending forth libels. With these I found formidable meetings in various parts of the country.

As I have said, I had no desire to put down the liberty of the press—that organ which whether for good or for evil, is one of the most powerful instruments in this country; so valuable, that I should almost be averse to curbing even its licentiousness too much. My object was this—to use these libels to prove the conspiracy of the Chartists. It was a charge in the indictment and not objected to. Though there was every disposition shown at Lancaster to find an exception to everything that occurred; yet I can remember but one exception that was made by F. O'Connor himself. He complained of the length of the indictment. I gave up several counts the omission of which was suggested by the Judge. There was a complaint as to the number of defendants, and that too was removed by me as speedily as possible. At the conclusion of the trial Mr. F. O'Connor stated that the circumstances of the country warranted a prosecution. He did not complain of that step, and in his address he admitted that the prosecutions had been conducted in a manner that did credit to the administration of justice. I know that it is a matter of no little surprise to find that found fault with here, which I did in the case of Mr. F. O'Connor, for there I gave in the libels to show the connection of the parties. In the same way, with regard to the Irish trials, if the charge was true and well founded, then the course pursued in conducting the prosecution was a proper one. Another matter that has been observed upon, is the challenge to the Jury, as put upon the record. With respect to the challenge of the array in Ireland, the substance of it is,—the traversers alleged that the array had been framed by fraud, and to that the Counsel for the Crown demurred, and therefore, it is said by hon. Gentlemen opposite, they admitted the truth of the allegation. I hope I shall not get into much disfavour by what I state upon this; but I am obliged to show that the Attorney General for Ireland did as much, and he did no more than what I myself have done, with the highest approbation. I beg now to state what occurred at Cardiff. Mr. Matthew Davenport Hill, once a Member of this House, appeared as counsel for the prisoners, and he put on record a challenge to the array and the challenge stated that the array was returned by fraud. My hon. and learned Friend (Sir Wm. Follett) and myself did not take so long to consider as they did in Ireland as to the course to be pursued. Within ten minutes we demurred to the challenge. Some hon. Gentleman might say, "What! demur when fraud was alleged?" as was said by my hon. and learned Friend the Member for Worcester, with an effect that those who heard him could not forget, though they may have often in Westminster Hall felt his power, which is there equally exerted for the right or the wrong; for my hon. and learned Friend having read his briefs, is always imbued with the spirit of his client. He is a zealous party in every cause; and his zeal is the result of his earnest and manly nature. What! said my hon. and learned Friend, did you demur?—then you admitted the truth of his allegation of fraud. No, I reply, for fraud is only admitted so far as it is properly alleged. We have nothing to do with the allegation of fraud, where there is not the time nor the place for discussing it. If it had been said that there was fraud in the Sheriff, we should have directly taken issue upon it. If it had been said to be fraud in the returning officer, we should have tried it. If it had been said to be fraud in the agent of the Crown, Mr. Maule, we should have put the matter in issue. The allegation was merely this, that the panel was returned by fraud. He did not say by whom. There was nothing to be tried—we could not join issue. We joined issue by the demurrer. If we had joined issue upon the plea, upon the allegation of fraud, we should have given an opportunity for an endless inquiry regarding persons unknown innumerable; this inquiry would have gone on to the end of the year, and the progress of justice would have been altogether defeated on this occasion. The learned counsel opposed to us made no complaint of the course which we took; the Reporters for the Press reported the proceedings in the usual way, and nobody got up in Westminster Hall to complain of our having acted unfairly. Now this was precisely what took place in Ireland at the recent trial. The allegation in the Cardiff case was, that the panel was returned by fraud, not saying whose fraud, or how, or when or where, giving in short nothing whereupon we could join issue. If the hon. and learned Member for Bath has the words under his eye, perhaps he will furnish me with them; but my impression is, that the challenge is for fraud in general, not saying by whom or under what circumstances. [Mr. *Roebuck*: Certainly. The words were "some person or persons unknown."] Some person or persons unknown. Yes. Then how would it be possible to join issue upon such an allegation not implicating any named parties, without betraying what was due to the business of the public? I ask the hon. and learned Gentlemen what evidence they could bring in support of such an allegation? Did they bring any then? If not, why did they not bring it in the shape of a petition to this House, if they wished this House to take notice of the circumstance? Was it not vain to discuss an allegation which could not be supported by a single witness or by formal statement to this House? With respect to the course which the Attorney General for Ireland pursued in this matter, I entirely approve of it; and nothing will induce me to shrink from my share of the responsibility of his proceedings. I think he did quite right in demurring to the challenge to the array, and that he would have done very wrong if he had consented to have joined issue upon the allegations made in it. The challenger said that he had reason to believe, and was indeed convinced that a fraud had been committed in making up the Panel. But by whom had this alleged fraud been committed? No one was named. I cannot imagine any one against whom such an imputation could be seriously laid. Now, it is as foreign to my nature, as I think it to this inquiry, to cast any suspicion on Mr. M'Grath. I do not say whether there was any foundation even for suspicion; but I do entirely agree with my right hon. Friend, the Attorney General for Ireland, that if the affidavit I allude to were produced in any Court in Westminster Hall, it would not have delayed the proceedings one moment longer than was necessary for reading it. The learned Judge would have said, "Read the affidavit again, what fraud does it disclose? Who perpetrated it? Does the deponent swear he did not practise it himself?" I do not for a moment mean to impute or suggest the notion of the fraud in question having been perpetrated by any of the traversers, or of those privy to them; I am only discussing the bare affidavit as it would probably have been discussed if it had been read in the Courts of Westminster; and all I can say is, if the traversers are not satisfied with the way in which it was treated in Ireland, let Mr. O'Connell and his friends move for a new trial, and so try the merits of the question. That is the best answer I can give to the charges on the other side with respect to the Jury Panel. Don't come and tell us about strong expressions having been used, and about the trial not being a fair one. You come and tell us in Parliament that Mr. O'Connell has not had a fair trial; I say, go and prove it before the Judges in Ireland and have another. The fraud alleged which is supposed to have vitiated the Trial, can only have been perpetrated in one of two quarters, on the part of the Crown or its agents, or by the traversers, or some one in their behalf; and the parties connected with the Crown have all sworn distinctly that they have not been guilty of any fraud. With respect to the policy of adopting these prosecutions, I believe, that the state of Ireland was such as to leave the Government no choice but to adopt them. The question really was, whether we were to have any law in Ireland, or whether Mr. O'Connell was absolutely to supersede its authority. Things were in that state in Ireland, that if this prosecution had not been instituted, we might have awoke one morning and found the Viceroy of Ireland had been shipped back to us, and the Parliament sitting in College-green, without any further intimation or warning; for it was studiously put forth and argued, throughout all these proceedings, that the Imperial Parliament had no right to legislate for Ireland. One word, before I sit down, upon the subject of Ireland. I can assure the House, most unfeignedly, that I enter upon this subject in no spirit of bitterness or vindictiveness. It has been said, that this is a religious question; but in my humble judgment, if it ever was a religious question, it has ceased to be so altogether. It is purely a question of State; the grievances complained of and their remedies are essentially matters of State; and if I were called upon to point out the most likely and easy course to a remedy for those evils, of which this country as well as Ireland has to complain, I would point to the speech made by the hon. Member for Roscommon the other evening. Let hon. Members and other friends of Ireland speak and act in the spirit of that speech, and we should have a short and easy remedy to all the grievances in Ireland. The Motion and the speech of the noble Lord the Member for London, appear to involve the destruction of the Church in Ireland as a remedy for her grievances and distresses. But it appears to me that similar grievances and distresses existed in Ireland long before that Church was established, and to quite the same extent as since. And the hon. and learned Member for Liskeard said, that if the Church were abolished in Ireland the work of improvement will then only have to begin. Now, we cannot legislate for Ireland in this or any other matter, without legislating for England also. Let us see whether we cannot legislate to the advantage of Ireland, at the same time consistently with the interests of England. I hope that much that has passed in the course of this debate will tend to produce a more cordial feeling between the people of the two countries than has existed before, and thereby promote the general happiness and welfare of the United Empire. No doubt, England without Ireland, or with Ireland disaffected, would be robbed of half her strength, and much of her happiness. With this feeling I am prepared to go along with the right hon. Baronet in all the remedial measures which he has proposed for Ireland. On the subject of Education, in particular, I know no limits which should be set to improvements in this matter, but the means of the richer country, and the necessities of the poorer. It is impossible for one who has benefited, as I have, by the splendid endowments connected with Education in this country, not to feel an earnest desire for their enlarged application. With regard, generally, to the aspect of affairs in Ireland, I should regret very much if there were any feeling of hopelessness and despondency on the one hand, or of alarm on the other, as to their eventual state. Those who promote this agitation to dissolve the Union, are trifling with the safety of the mightiest Empire that ever existed on the face of the earth, with interests of more vast importance than were ever before confided by the Providence of God to the wisdom of man. The interests of the whole human race are bound up with the prosperity of this country, a misfortune to this country would be a calamity to the whole world, by arresting the march of improvement, of enterprise, and of discovery; and, above all, arresting the progress of the regenerating influence of those pious endeavours by which we are led to hope "that the knowledge of the Lord shall one day cover the earth, as the waters cover the sea." In the true spirit of kindness, of sympathy, and of candour, I conclude by expressing a sincere hope, that for the sake of all mankind the counsels which we shall adopt may be such as to secure the peace, union, and prosperity of the entire Empire.

Mr. *Roebuck* said, that no one could have listened to the speech of the hon. and learned Gentleman who had just sat down without those feelings of respect and regard which his character always inspired. He could not help observing, however, and with regret, that in the hon. and learned Gentleman's speech—as, indeed, in too many which had been made during the last two or three nights of the debate—there was too much attention devoted to matters of secondary consideration, referring to an incidental occurrence, in which much skill was undoubtedly shown by the contending parties, but in the course of which, unfortunately, the more important considerations involved in the terms of the Motion before the House were entirely lost sight of. The noble Lord invited the House to enter into a consideration of various matters relating to the present condition of Ireland. Hon. Gentlemen, who had spoken from the opposite benches, said to the noble Lord, "This is not the time to enter upon such an enquiry, and you are not the fit person to introduce it." They added, that the propounder of such an investigation ought to be one who enjoyed the confidence of the Government, and that, above all things, it ought not to be undertaken now in consequence of the peculiar circumstances of difficulty which existed at the present moment. But it appeared to him that it was the duty of the House in times of danger to be foremost in making enquiry as to the causes of that danger, and the party who were responsible for having brought on that state of things whereby the horrors of a civil war and the dismemberment of the Empire were threatened. Instead of being allowed to institute this inquiry, however, they were told by hon. Gentlemen opposite to have confidence in those who, being in power at the time, had brought or suffered things to come to this state. Now, he must say that he did not think that this was a sufficient answer to the grounds which had been urged in support of this inquiry. There were two distinct points connected with the condition of Ireland which demanded calm inquiry. First, the physical condition of the great mass of the people; and, secondly, their moral condition, as affected by the legislation of this country. No one could look at the present state of Ireland, without being struck with the remarkable anomalies which she presented. There we beheld a country upon which every good gift of nature had been lavished, a population having every requisite of happiness within their reach,—they found a people with virtues and physical capabilities to apply those means to advantage; and yet, looking beyond the outward features of the case into the actual state and condition of the people, they found convincing evidence that they were miserable—probably the most miserable set of men in the world. And there was this remarkable circumstance which struck one in addition, that these people were situated side by side with a nation which surpassed all others in the skilful application of the productions and agencies of nature, in the means of acquiring wealth—that they were under the rule and government of this thriving nation, and yet, that, with all the seeming advantages of this connection, they were the most miserable nation on the face of the earth. This circumstance alone was sufficient to make men deeply ponder upon this state of things, and sedulously to enquire into the means of relieving a picture of so much misery; and were they, when they proposed to enter into such an inquiry, to be deterred from doing so by a Ministerial injunction not to meddle in the matter? But was there not now a circumstance existing of a still more alarming nature than the physical misery of the people of Ireland? Was there not a feeling of hostility to this country which poisoned all the springs of happiness, and divided as it were the country against itself? He did not wish to exaggerate, but this was a circumstance which certainly was at the root of all the misery in Ireland. The national feeling of Ireland was one of national hostility to this country. An Englishman could look back to the pages of history and the deeds of his forefathers with pride and gratulation; all their great deeds had been deeds of note in the cause of their liberties, and they had been crowned with success. But in Ireland the feeling of nationality was different. In looking back upon the long line of his ancestors, the Irishman did not contemplate a picture of happiness, of great deeds done to forward the well-being of the people, but to a long course of humiliation and miseries occasioned by the interposition of the power of England. The feeling which this recollection must awake, what could it be but that of hatred against the oppressive foes who had occasioned them all these miseries? The common nationality of feeling which ought to exist between the two countries was entirely poisoned by it. Now, in connection with this moral feeling, let the House consider the physical condition of the people of Ireland, and they would form something like an adequate notion of the inherent difficulties which the case of Ireland presented. But to these national and inherent ingredients of disaffection another had since been added. Religious bigotry had been added to national enmity—physical misery unparalleled was aggravated by a relentless religious bigotry. In general words, the condition of Ireland was that described by the noble Lord the other night. England held her only by the force of her arms. Let any soldier look at the map of Ireland, and follow with his eye the way in which our troops were disposed over the surface of that country; he would undertake to say, that no man at all conversant with military matters would do so, and not say that we had got military possession of Ireland. And why was this the case? Why was it that peace was only preserved by force; that fear and alarm were the only ingredients of power in the hands of the Government, and the poor discontented population of Ireland were kept in subjection only by the terrors of a military armament? Search the space of the globe round, he would undertake to say that they would not find another such combination of physical misery and political mischief. But even our arms were not strong enough to secure the peace of the country; that object was attained partly by our arms and partly by the influence of Mr. O'Connell. Was ever a case of the like kind, where the peace of a country was owing in great measure to the forbearance of a single individual? And this, in his opinion, was a symptom of the disease, which alone was sufficient to render inquiry necessary. This circumstance should make us most solicitous about this question. For it should be borne in mind that the nations of other states of Europe and of America were not supposed to be very solicitous to promote the peace and prosperity of this Empire. The preservation of peace at the present moment depended in a great measure upon accident. If the sagacious monarch who ruled the destinies of France were to die to-morrow, peace might be broken directly. And there was nothing so likely to induce the interruption of our peaceful relations as the knowledge amongst our neighbours of the internal weakness the Empire laboured under in the disaffection of the Irish people. The national vanity of France had long induced a party of her subjects to desire to try again the fortune of war with us. A similar feeling, added to commercial considerations, was rife in the United States; and either of the above nations would not be backward, if occasion offered, of taking advantage of our weakness in Ireland to attack us. Let the House mark what was said in the Congress of the United States, let them see how our encroaching oligarchy was spoken of there—men wise in their generation, who would take advantage of any circumstance which seemed to point out the course of coming events. He hoped the lights of experience would not be thrown away upon this House. After the able exposition on the subject which had been made the other evening by the right hon. Member for Edinburgh, he would not now travel back over the past history of Ireland. The right hon. Gentleman, in the course of his speech, had given an able exposition, compressed and lucid, of the history of the relations between Ireland and this country. He clearly made out that the misery of Ireland was deducible from two principal sources: first, that we had conquered that people, and, secondly, that before the population of the two countries had become amalgamated we incurred the additional misfortune of imparting religious discord into Ireland. Here we had the origin of all the evils that at present tormented Ireland. They commenced with the conquest, and were aggravated by the Reformation, and we were reaping the fruits of this combination of evils. Contrast the popular feelings of the two countries. In England our feelings and watchwords were all connected with the good points of our Constitution, our liberty and rights; in Ireland they were all mementos of slavery and misery. To put an illustration, the storm that blew at the time of the Reformation had raised a violent commotion, which had not ceased, though the storm itself had ceased to blow; the waves were rolling, though the winds had gone down. In Ireland this agitation had been manifested in hostility, jealousy, and doubt in regard to England; in England it was shown in bigotry and hate towards Ireland; and in later years, though there had been less cause for hate, the bigotry remained unimpaired. The right hon. Gentleman had clearly shown all this; there was no *hiatus* in the history, until he came to the year 1829, from which to 1835 he made a remarkable leap. It must strike every one at once, that something strange must have happened within this period; and such was the fact. Within that period the Coercion Act had been passed for Ireland. What did he deduce from this fact? This Act had been passed under remarkable circumstances. The English people had recently obtained a measure by which they fancied that their liberties would be better preserved, and the popular voice made to prevail in this House; and the consequence of this seemed to be that the Government of the country would for the future be carried on according to the views of the people of England. This fact was looked upon with uneasiness and apprehension by the people of Ireland, and increased the feeling of doubt, distrust, hatred, and jealousy against the people of this country. And that suspicion, he had no doubt, was not altogether unfounded, when they looked at the circumstances which had attended the passing of that Bill. It had been passed by the overwhelming majority of the Liberal party, which had been first returned under the enthusiasm of the Reform Bill. Then, said the Irish people, if these are the popular expressions of the English, well we know what we are to expect. We see that whatever party is in power, Ireland is to be coerced—we cannot hope for liberty and equality, for those who are at the head of liberty and liberal principles in England are despots when they come to deal with Ireland. The reason he mentioned these circumstances, was to show what he thought the true cause of dissatisfaction, and though they might, and had, produced a sort of lull or calm in the popular mind from 1831 to 1834, they had, at the same time, done that which kept alive and increased the suspicion with which our proceedings in reference to Ireland were viewed, and that suspicion was fanned into flame the moment a special cause arose to ignite it. And what had been the occasion of the continuance of the calm to which he had alluded? The Government, seeing the errors of their predecessors, on returning to office, in 1834, got rid of certain persons, who were the foremost in that House in vindicating the propriety of the conduct of those parties who then ruled Ireland. And it had surprised him that, in the lucid and eloquent history which had been given by his right hon. Friend the Member for Edinburgh (Mr. Macaulay) of Irish affairs and Irish Government, this period had been wholly passed over. He suspected that the circumstance about which he expressed his wonder arose from the peculiar position of parties in that House in reference to each other. Neither party appeared disposed to say very much about the Coercion Bill. The reason was obvious why it was not alluded to by the other side; and he thought there were equally good reasons for silence upon the subject on that, the Opposition side. But as he was of neither party, he took the responsibility upon himself of pointing out the circumstance to which he referred to the House. As he had said, the Government of that day had pursued a much wiser course than their predecessors in reference to Ireland, viz.—a course of conciliation towards the Irish people. He now came to that which was the cause of much of the annoyance, which right hon. Gentlemen the Members of the present Government were now suffering; and here "retribution followed wrong." The Opposition which had been created and followed out by the party to the well-intentioned endeavours of the late Ministry to right the Irish people, was recoiling upon themselves. This was the cause of the discord and discontent in Ireland, and of the great difficulty the Government experienced in governing that country. Unfortunately Ireland was always the battle-field for party conflict in England. When the Tories were in power it was found convenient for the party on that side to take advantage of the wrongs of Ireland, and to resort to them as the armoury from which to obtain weapons for attacking the Government; and when the Whigs were in power, the armoury which the position of Ireland furnished was resorted to with equal avidity and advantage by the Tories. The array of this grand attack was Ireland; but in their case it was not the wrongs of Ireland that furnished them with weapons, but the bigotry of their party. Danger to the Protestant faith was the thing with them. Here, said they, is an attack upon our religion. The right hon. and learned Gentleman the Member for Dublin University said, I am here to vindicate religious truth. Assuming to himself infallibility. [Mr. *Shaw*: "No, no."] On the most mysterious and difficult subject of human contemplation, that man of all others, who had so lately had reason to know his fallibility in mere human matters, he who had taken the utmost pains, with the most perfect intentions of arranging some 700 or 800 names, had, nevertheless, fallen into an error in so small a matter—he it was, who, on the point of religious faith, claimed infallibility. [Mr. *Shaw*: I do not.] This was the manner in which the attacks between the two parties of that House were carried on. There was this, however, to be said against the one party—and it was a circumstance which added to the suspicion obtaining in the Irish mind—that when the Liberal party were in power, with a majority almost unprecedented, and the means of passing what they pleased, but little liberality was shown in their conduct to Ireland; but the moment they fell into difficulties, and, with their party, were in danger of being overwhelmed by their opponents, they fell back to the principles of liberality—they returned to their reform professions when it was too late, and they were driven from power by that combination of circumstances to which they had themselves contributed. One of the main elements of their defeat was the cry raised amongst the people of England, by the opposite party, respecting their consideration of what was termed the favour shown to the Popish religion. In producing this feeling a forced bigotry was created opposed to the spirit of the country. The flame had been ignited, and hon. Gentlemen opposite were now in office, and whatever mischief that flame might have produced, or might yet produce, he had done what he had intended to do, viz., supply the links in the chain of history, which had been omitted in the retrospect of the right hon. Member for Edinburgh. He now came to the consideration of the great cause of the Repeal agitation in Ireland—the circumstances attending the Episcopal Establishment in Ireland—and it was those circumstances so painful to the great majority of the Irish people, that had created the present state of mind in Ireland, and had induced the people to resist in every possible way the Government opposite, and to demand separation from this country. Why, the cause could not be far off when they looked back to what had taken place. The cause of all this discontent and agitation was not the hon. and learned

Member for Cork. That hon. and learned Gentleman's proceedings were merely one of the symptoms. Great as was the individual influence of the hon. and learned Member, his power arose not from himself, not from any act of his own, but from the state of mind of the Irish people, and the wrongs by which that state of mind had been created. The great majority of the people found that a feeling of hatred existed against them in this country on the part of those who were supposed to represent the bigotry which had been raised in this country, and in spite of the good intentions of the Government, which he would speak of as favourably as he could—and he gave every possible belief to the good intentions of the leaders of the party in power—still they were found to represent that bigotry and hatred of the great majority of the Irish people, which did to a certain extent prevail, and which if it was not felt by the leaders of the Government, was possessed by every one of their subordinates in Ireland. The Government had no doubt entered into office actuated by the kindest and most benevolent intentions; but the great evil was the great curse of their Government, that there good intentions were rendered unavailing by that small and bigotted minority to whom Ireland owed all her misfortunes. Say what they would, this was the feeling of the people of that country. It could not be denied that a great number of the appointments which had been made by the right hon. Gentleman opposite had been made in a perfectly fair and honest spirit, but what said the people? They said to the right hon. Baronet, it is very well for you to claim the reputation of being thus liberal and benevolent in your intentions towards us, but we find all our old enemies are in power—all those persons who we recollect, and who our fathers recollect, as the most active enemies of the people and of freedom; and who we remember also as the most active instruments in some of the most furious attacks upon the liberties of the mass of the people of Ireland that ever disgraced a Government. He had a book containing an account of prosecutions for conspiracy, so late as the year 1811, when certain Roman Catholic gentlemen were tried for conspiring together to petition Parliament to remove the political disabilities under which the Roman Catholic population then laboured. And many persons in Ireland were still living who had been present at those trials, defending the Roman Catholics. Many were also living who had been present as their accusers; and the party now in power, in spite of all their intentions, had found, on coming to office, that the persons who had been active in those prosecutions, must be employed as their colleagues in the government of Ireland. And this was a cause of the suspicion with which the Irish people looked upon the Government. Then came the question, was there any means of repairing the mischief, and allaying the discontent which had been occasioned? The cause of the mischief was, the discontent of the Irish people, and the result was the agitation for Repeal. The point to be considered was, could anything be done to relieve the people from the effects of that overwhelming mischief? Could they, in that Parliament, sit and legislate for the benefit of all classes in both countries, and could they do that which should relieve the Irish people from the dire evils under which they suffered, and produce content in that country? Now, the first thing he had to inquire was, would the Repeal of the Legislative Union have that effect? His answer was, that it would not. He believed it would rather aggravate the mischief at the moment, and be followed by still greater danger hereafter. The minority in Ireland were powerful and rich, and if they had Repeal to-morrow, it would be impossible to maintain the connection between the two countries by the mere trifling bond of allegiance to the Crown. There would be two separate people in the two countries, and the Irish people would still have to fight out their own liberty. He said, then, he could not see any one mischief greater to Ireland than the Repeal of the Union, unless it was a continuation of military government. He should be wrong if he did not at once say, that however much he was opposed to Repeal, he should do himself injustice if he did not say, that while he deprecated—no one could do so more than himself—much that had been done, and still more that had been said, by those who had been foremost in the Repeal movement—still the object which those parties desired it was perfectly competent for them to ask. It was perfectly legal for any man to desire the repeal of any Act of Parliament. And here he must repeat what had already been said by his hon. and learned Friend the Member for Worcester (Sir T. Wilde), who had asserted, not as the hon. and learned Attorney General had interpreted his words—that it was prudent or wise to demand the

Repeal of the Union; but his hon. and learned Friend had laid it down that the demand was a legal one, and might be made. The hon. and learned Attorney General, on the contrary, had asserted that it was an illegal object to seek to attain the Repeal of the Union. Now, with all respect for that hon. and learned Gentleman's authority, he (Mr. Roebuck) contended that the object was perfectly legal—whether the demand were prudent or not was a totally different question. There were matters connected with the government of the country so important in themselves, and involving consequences so large, that to interfere with them, required much care and forethought on the part of those who would touch them without danger. And so it was with the Repeal of the Union. There was nothing more dangerous to instil into the minds of the Irish people than the idea that it was idle for them to attempt to obtain the reform of the miseries under which they were suffering except by a separation from this country; and he was sure the hon. and learned Member for Cork must, during the last few days, have become convinced that it was unfortunate that he had aroused feelings of national animosity on the part of the Irish people against this country, however much those feelings might have been justified in times past. He was sure no good or wise man would attempt to renew those feelings; on the contrary, if it could be done, it would be most desirable that all feelings of national antipathy should be struck out from every man's mind. If that could be done, how much wiser and better would they be; and surely it could not be the desire of him, whose chief object was the benefit of mankind, to revive national antipathies by using the watchwords of national hate. He was quite sure that what had been witnessed by that hon. and learned Gentleman (who possessed so much influence in Ireland) since his arrival in this country, would strike deeply into his mind, and convince him that feelings of sympathy for Ireland did obtain amongst the English people. Then, was he to say that the woes of Ireland were to be remedied only by force? Was there no alternative—force or concession? Now, what could be expected from force? At the best it would but leave them where they were. And what was that? With an army of 25,000 men, or 21,000 men, as the Government returns stated, but which returns did not include the army of the Constabulary, and with a garrison in Ireland from one end to the other, did they expect the people of England would bear the continuance of such a state of things for any length of time? But suppose they did. They had the army in Ireland, which they must maintain there so long as discontent continued; and discontent would continue so long as the causes which had produced it continued to exist. Those causes were to be found deeply set in the institutions of the country, which institutions they had created by force and fraud; and when there was an outbreak against such institutions, the people were coerced into peace by the presence of an army. If this was to be the mode of governing Ireland, what a waste of treasure and of blood would ensue; and even that would fail to prevent feelings of animosity prevailing even deeper than any that now existed; and under such circumstances the last hope and resource would be to get rid altogether of such an unhappy companion. This would be the last consolation of a Government of force. They found in 1843 a strong feeling in Ireland that they had no confidence in the legislature of that House. The man who possessed greater power and influence in Ireland than any other was spreading the opinion throughout Ireland that the only hope of justice was in separation. What course did the Government then take? Did they do anything to soothe the feelings of the people, and to redress their wrongs? Did they do anything by which that equality should really be extended which every man of a dignified and generous spirit not only required for himself, but for his fellows? Equality did not and could not exist, while the present Church Establishment remained. No step had been taken —nothing had been done — to convince Ireland that, in the opinion of this country and of Parliament, equality was necessary for the Irish people. They had not yet reached the point for which the hon. Member for Wakefield contended, who had asked the House to deal with the Church of Ireland as they would deal with the question of Free-trade. On that subject they acknowledged the true principles, and took their own time to carry them out. The hon. Gentleman's suggestion was an useful one, and, if adopted, might be attended with beneficial advantages to the Government themselves. But upon the question of the Irish Church, "no surrender" was still the cry—and the motto of the other side—and expressed in terms as offensive as any that had been used in former times. But he had not thought the liberal spirit of the right hon. Baronet would have taken up that doctrine, and that he would have stood up for what was called the maintenance of religious truth by means of the institutions of that country. For the moment they did this the State Church was no longer a Church of political necessity, but a persecuting Church. He could understand the man who said, "I am obliged to maintain it as a political institution. I do not say which religion is right, but I am obliged to uphold this." The feeling thus created was different from that which was produced by the man who said, like the right hon. and learned Recorder (Mr. Shaw), "I maintain those Institutions and this Church as the best;" and with that dogged feeling which showed the party to which he belonged, and from whence he drew his opinions, said, "I will maintain the true religion by means of the State Church;" and carrying out his principles by being a persecutor in reality. This persecution was only narrowed in its consequences by the want of power. The spirit of bigotry existed, but it was deprived of much of its mischief, because those who maintained it had lost their power. There was not a man on that side who would go with the right hon. and learned Gentleman. It was easy to assert such an opinion, and then, when the natural inference was drawn from it, to say that was not my meaning. He was not pressing on the right hon. Gentleman what was his intention, he had merely repeated what he had said. The right hon. Gentleman had said he would maintain the Church, because it was the supporter of religious truth; and he contended that any man who maintained a Church Establishment as a means of upholding what he considered religious truth, was a persecutor in spirit. It was infallibility, and no longer State necessity, that was his motive. Then the State necessity ceasing, persecution coming into its place, the people of Ireland had a right to rise up against it, and say, "we also have an infallible religion," and that religion, which had seven to one of the people in its favour, had, he imagined, seven claims to one in its favour. The right hon. Gentleman ought to have some charity for others. He believed the feelings which had been created by the system of persecution to which he had referred was precisely that which would continue all that religious animosity which had been the bane of Ireland, and was the means of perpetuating that national hate which all condemned. Now he wanted to know what was to be done under the circumstances? The Government had employed force to govern Ireland, and they had used the law; he would not say they had wrested the law; legal forms had been maintained with very great nicety: but what he did say was, that in spite of every explanation that had been given, it was quite clear that the right hon. and learned Gentleman had mistaken the functions of his office, and had, in the conduct of the late trials, supposed himself to be a mere *nisi prius* advocate, whose business it was to obtain a verdict, and that only; instead of saying, "I am here, the minister of the law, and uninfluenced as the Judge who is to try the cause; I go not to convict, but should be happy if it could be proved that the traversers were innocent; but it is my duty to maintain the law, and I will do that in such a way as shall create for the law feelings of respect from my manner and my conduct; nothing that I do shall militate against the law, for I am here its minister, and as it were its incarnation." But the charge he made against the right hon. Gentleman was, that from the beginning to the end of the proceeding he misconceived his office. From the very commencement of the trial the right hon. and learned Gentleman had permitted feelings of personal animosity, to mix with his judicial duties, and while he was complaining of delay on the part of the traversers, he was himself guilty of indecent haste. This he would prove from the right hon. Gentleman's conduct; and it was proper the country should hear something in answer to the charge. The right hon. Gentleman had commenced his explanation by repeating a great portion of his own conduct in reference to certain refusals he had given to requests made by the traversers, and asserting that those refusals were the result of the conduct of the traversers themselves; and he spoke of two instances, the one in reference to certain interference with the witness, Mr. Bond Hughes, and the other with respect to the Jurors and to certain notices which had been served. First, he said the witness had been persecuted, and then the Jurors. Now, with regard to the witness, it was clear that Mr. Hughes had seen Mr. Barrett at Mullaghmast, and rightly attributed to him a certain speech. Therefore it was supposed Mr. Hughes knew that party. Afterwards Mr. Hughes attributed two other speeches as having been uttered at certain meetings, at which it appeared subsequently that Mr. Barrett was not present. This, then, was a palpable mistake. There was a reason why Mr. Barrett should be included in the information, he being an editor of one of the papers which advocated the Repeal movement. Then was there anything wrong on the part of the accused in saying this is an unsafe witness? He is to give evidence of what he has heard and seen, and we show you he has twice been in error; and we have a right, under the circumstances, to charge him with being so wilfully. And it was remarkable, that when it was attempted to bring this witness to trial for his conduct, the Crown Lawyers, though they knew he had made a mistake (for he had told them of it), did not acknowledge or explain the fact to the traversers, but allowed the charge of perjury to go on, and the witness to remain under the imputation. The fact was known by Mr. Kemmis, and he thought also by the Attorney General. The former was deeply culpable, and if the Attorney General was aware of the facts, he must also share the blame. As to the Jury Notices, no objection, except on notice served, could be taken. By the Act of Parliament this was imperative. The right hon. Gentleman the Recorder, in reference to the Jury List, had a two-fold duty—first, he had that of a judge, and then as a ministerial officer. In the first character he was to vindicate each man's right to be on the list that was finished the 23rd of November. Then came his ministerial functions, and it appeared the right hon. Gentleman had neglected this duty and had left it to a subordinate. The affidavit of the traversers had not been denied, and until the facts there stated were contradicted, he had a right to assume they were correct. One of the officers in the right hon. and learned Gentleman's office was Mr. McGrath. Now, let them remark the way in which this Gentleman had been dealt with by the Attorney General for Ireland. The Attorney General insinuated that there was something wrong in his office, and he had pointed pretty distinctly and very significantly to Mr. McGrath. Now, mark how the spirit in which these trials were conducted sprung up on every side, and in every possible shape. Mr. McGrath was a Catholic, and, therefore, he must be utterly regardless of the duties of his office, and must do—what? Must abstract fifteen Catholic names from the Panel which was about to try, or rather from which Jurors were to be selected to try, Catholic traversers. So that the Attorney General makes out this, that the Catholics are so in love with grievances that they were determined to strike off their friends from the Panel, in order to have an opportunity of complaining to the House. And upon that species of statement, on no better ground, the right hon. Gentleman chose to make an insinuation which should subject Mr. McGrath, were it well-founded, to instant punishment, for having filched fifteen names from the list to serve certain purposes of his own. Now, when he recollected all the attacks which the right hon. and learned Gentleman had lately made upon those who were opposed to him, surely he had at least a right to say that he was not very careful or prudent in his accusation, and that there was not much trust to be placed in his judgment, he said nothing of his honour. On Saturday, the 28th of December, the right hon. and learned Gentleman returned to Ireland. On that day he stated that he had given the jury-book to the Sheriff; and on the previous day (the 27th) the notice had been served on the traversers to strike on the 3rd of January. So that this notice had been served before the book was in the hands of the Sheriff, and the book was not given to the traversers themselves until the 3rd of January. During the whole period therefore, from the 24th of November to the 28th of December, there was nothing done by which the List should be made out and communicated to the traversers; but, on the contrary, every thing was done to keep it back until the last moment; and then, of course, hurry and confusion ensued. What were the consequences? Why, one consequence was, that when the 3rd of January came, the copies having only just been furnished, an objection was taken, and it was said, "We cannot strike, we have only just got the copies." And yet the complaint was made on the part of the Attorney General that there was a great delay sought for by the opposite party. Yes there was a delay sought, and very properly sought too, and what was that delay? He took the statement of the right hon. and learned Gentleman himself. The Jury Panel of 1843 was, according to him, wholly unfit for the purposes of the trial. But the Attorney General made a motion to the effect that the day fixed for the trials should be the 11th of December. What was the duty of the Counsel for the traversers? It would be to say, "It is clear that this is not a fair trial—will not the law allow us the means of fighting off the trial until we can get a fair panel?" And he asked every man who heard him whether this procedure was not justifiable? Were the persons who conducted the late trials to be allowed to turn round and say that the spirit of haste and precipitation which they had manifested had arisen out of these applications for delay? These applications were not only justifiable, but desirable—desirable not only on the part of the traversers, but on the part of the Government; for, had the traversers been tried under the Panel of 1843—a Panel stigmatised by the right hon. and learned Gentleman himself—what would the world have said? Why, it would have said, that even the Recorder for Dublin admitted that the Panel was an unfair one. And yet the imputation of struggling for undue delay was cast upon the traversers. Now he repeated, and he challenged any man in the House or out of it to deny, that there was anything which was not fair, perfectly justifiable, in the traversers using any means which the law allowed them to take advantage of it in order to fight off the evil and injustice of being tried by that Panel. But what happened next? The traversers applied for certain names. Here came the answer of the Attorney General. He would not give names, because of the manner in which they had treated Mr. Bond Hughes. One of the Judges said that the names ought to be given; another that he did not agree that the traversers had an actual legal right to demand them, but that they should have them; and a third said that the application was merely made too soon. The traversers said they would be content if the names they wanted were supplied ten days before the trial. The application was rejected. Now, he would show the spirit in which the thing had all along been carried on. Had they a man of kind and enlightened mind, how differently would these trials have proceeded. He could fancy a way in which the proceedings could have been conducted, which would not have rendered them liable to the imputations which had so deservedly been cast upon them. There were four days allowed to plead. The indictment was found at five o'clock in the afternoon; a copy was not handed to the traversers until seven o'clock; and yet the Attorney General wished to have that day counted as one of the four. Take that as a specimen of the man. Again, on the demurrer, the Attorney General wished the traversers to join issue upon all the points instanter. What said then this mild personage—this kind man, who was to represent all the kindness of his sovereign—why he immediately said, "I stand here on my prerogative, and I demand that this one day—that on which the indictments were found—shall be considered as one of the four on which the traversers are to plead." He asked what any fair man would think of such conduct? "I stand here upon my Prerogative!" He supposed that the Queen wished her subjects to be tried by a beneficent law, and not in this vindictive spirit. But the Judges, acting on a proper sense of their own dignity—feeling that that dignity was involved in the question—overruled the "Prerogative" of the Attorney General. Why did he mention these things? He did so in answer to the statements of the right hon. and learned Gentleman as to the traversers having struggled so hardly for undue and unnecessary delay. Yes, the right hon. and learned Gentleman had made a grand point as to the unfair fighting for delay; but he repeated solemnly that the fighting for delay was as justifiable on the one side, as the struggle to hurry matters to a crisis was indecent on the other. Now the motion on the part of the traversers to quash the Panel was made on a statement of fraud positively attested by an affidavit. But his right hon. and learned Friend the Attorney General for England asked, by whom was the fraud committed? Why, the traversers replied that they did not know, but that they would show that a fraud did exist, or, at all events, they would show that there were such circumstances connected with the Panel that, if there was no fraud, there had been a degree of culpable negligence; and, that if there had not been a degree of culpable negligence, there had at all events been a degree which very much militated against them, the traversers. And what did Judge Perrin say? That the case was one of grave suspicion. Now he wished to know why the fraud had not been denied. Certain parties were charged on affidavit with fraud, which it was denied that the parties making the affidavit had anything to do with. A similar case occurred to a predecessor of the right hon. and learned Gentleman the Attorney General in 1812. There was then a demurrer similar to the late one, and a challenge to the array, stating fraud on the part of the Sheriff. Now, what had been the reply? Why, that the allegation was so flagrantly untrue, that they were ready to join issue upon the facts. But in the present case the conclusion that they could draw from the conduct of the Attorney General was, that the allegation was not flagrantly untrue—that he was afraid to take issue upon the facts. The justice of the case was tarnished by the constitution of the Panel. But that was not all. The Attorney General for Ireland stated, that he had no alternative in this case but to go back to the Panel of 1843, or to put off the trials until 1845, and that, therefore, he had persevered in the course which he had taken. Now for a moment admitting this, could the traversers have been worse off with the List of 1843 than they were with that of 1844, when by a fraud so many persons had been struck off the Panel that the traversers were deprived of a fair chance, and had none but enemies upon the Jury, so that, under the circumstances, they could not have been worse off, but they might have been better off. But, supposing that there was no other alternative, was there no ground for hesitating as to the trials after a fraud had been charged and proved with respect to the constitution of the Panel. Common prudence might have whispered, "put off the trials upon any condition. Go forward to 1845, or go back to 1843, but don't let trial go on under the stigma of fraud." But the Attorney General had another alternative—he had the alternative of a Common Jury. What happened? The leading Counsel for the traversers offered that if the Attorney General would discharge the Special Jury, that they would consent that the Court should direct its officer to return a Panel of respectable persons from the Jury List, from whom the Jury might be selected. That offer was refused. But there was this course which might and which should have been pursued. The Attorney General should have moved for a discharge of his rule, taken a Common Jury, and tried by that Jury. He might have challenged that Jury as he thought proper. He might have said, that such a man was a Member of the Repeal Association, and as such have challenged him. As to the fact of a man's entertaining opinions favourable to Repeal, he would remark, he did not think that constituted any ground for his being challenged. Was it not clear that the persons who were left on the List were of very opposite character—persons hostile to the hon. and learned Member for Cork? Parties were left on the List to whom there was as much objection on the one hand, as there was to Repealers on the other. He would draw a very wide distinction between Repealers and Members of the Repeal Association. The fact of being a Member of the Repeal Association was included in the indictment, but the fact of being a mere Repealer was not, and he (Mr. Roebuck) could conceive a man unconnected with the Repeal Association, and yet who entertained favourable opinions towards Repeal, being a quite unobjectionable person to serve on the Jury. Now he wanted the right hon. and learned Gentleman to explain why the Common Jury had not been taken. Pending such clear explanation he could only come to the same conclusion as his learned Friend the Member for Worcester, that they did not take the Common Jury because they did not dare to strike off from it those whose names they wished to get rid of, and that they took the Special Jury because they believed that that course gave them a better chance of getting a Jury such as they desired, than they would be likely to obtain by taking a Common Jury. After having condemned so much of the constitution of the Jury Panel, he would not trouble the House with further detail upon the subject, but he thought that he had said much that went to show that there were great causes for distrust and suspicion about the whole of the proceedings of those prosecutions. He did not say whether it happened by fraud or through accident, but it was unfortunately the fact—most unfortunately for the prosecutors—that there were circumstances connected with them which utterly destroyed their moral influence in Ireland as in this country. England would not bear to see the forms of law thus trifled with—thus perverted—thus subjected to abuse. And they might depend upon it that after all their array of Judges, of jurors, and of counsel, they had at last exalted the hon. and learned Member for Cork into a species of martyr, and had turned the tide of English feeling in his favour, just at the moment when his own imprudence had turned that tide most strongly against him. Before those trials—he spoke for himself—all his feelings were strongly against the hon. and learned Gentleman; but he had since seen such oppressive measures taken—he had seen the forms of law perverted in such a disgraceful way, that his feeling of indignation with respect to the former proceedings of the hon. and learned Gentleman had undergone a complete change. He still deeply disapproved of and lamented the unwise, the imprudent, and the mischievous course which the hon. and learned Gentleman pursued; but, in putting a stop to that course as they had done, Government had acted in a more mischievous and imprudent manner still. When it was said, that the late proceedings were trials fit for the occasion, he met them on the principle of the Attorney General for England, who said that it was a difficult thing to draw the distinction between the time when the prosecuted proceedings were legal, and when they were wrong and mischievous. It was very difficult to do this; to point to the moment when the meetings became illegal, and mischievous, and dangerous. When they were persuading men to be of their opinion by means of argument—so long as peace was maintained, so long as all the meetings held were perfectly peaceful—he wished to know how the traversers had acted illegally? What had made the meeting of those great multitudes illegal? Their own construction of it. The object of these meetings was legal—the means adopted for its attainment were legal, but they had construed from them, they had drawn by inference from them the conclusion that they were intended to overawe the Government by a display of force. And this, not because force was employed, but merely because a vast number of meetings were held. He quarrelled with the principle. It was difficult to say when this mode of persuading the people became illegal—how soon it became illegal to attempt to convert all people to one opinion. All had been done by persuasion. There was no force; all had been accomplished by meetings, by talking, by using moral influence. The Ministers admitted that all was done in peace, and with propriety. He wanted them to show him how, and when, and where the illegality commenced. Imprudent and mischievous much of the language used throughout the late proceedings undoubtedly was; he deeply deplored and condemned this, but still no case of illegality was made out. The persons accused were not convicted, or only convicted by a Jury whose verdict carried no moral influence. They had convicted the traversers, but they had not convinced the world. What was the moral effect of that conviction? It carried none. And what was the Government to do now? Where were they now? Were they not upon the very verge of those difficulties which they had always foreseen? Were they not beholden for the peace of Ireland at this moment to the man whom they had brought into the toils of the law? And what were their means of getting rid of the grievances complained of? He wished the physical misery of Ireland to be relieved; but that misery could not be relieved until they first got rid of civil dissensions. Let them produce peace and they would soon create happiness. They could not produce peace by the course which they had taken. As to his own opinion, he was for putting down the present system pursued with respect to the Church of Ireland. He would wish, as livings became vacant, that the proceeds should be put into the hands of Government, and that they should be expended upon the great cause of education. [*Hear.*] He wished to know from those who cried hear, the objection to this course. He would take no notice of the argument that the Church should be maintained because it was based upon religious truth. He wished to know why it should be maintained, doing nothing which a Church should do, but being the fertile source of misery and discontent. He would say, put it down, and let happiness and content be restored. Why did they not do so? He would tell them why: they were afraid that the principles which in such an event they would apply to Ireland, would one day be applied to England. But they might take this difference with them—the Church of England was not the Church of merely one-seventh part of the population. It was really the Church of a very large proportion of the people—a Church which they loved and venerated; but the Church of Ireland was at once a dominant Church, and a sinecure Church—hated by six-sevenths of the population. The great grievance was the Church of Ireland, and if the time should ever come when the Church of England should be the Church of only one-seventh of the population, he thought he knew his countrymen well enough to be pretty sure that under such circumstances it would not be maintained a day. It was maintained now because it was the Church of a large body of the people; but the Irish Church could be maintained by the bayonet, and the bayonet only. He would ask, were Christian feelings—were Christian truths in any way forwarded by such an institution; and could they, desiring the peace and happiness of not merely Ireland, but of England, and not merely England, but of the whole world—could they persevere in maintaining such an institution? Could there be any doubt as to the course which they should pursue? No; the path was clear—it lay straight before them—to pursue it, only required some man who should have that in him which should teach him the way to lead the people—it only required a man who could teach as well as govern—who would put himself above the prejudices of his time, and by incurring that responsibility, receive the great reward of his magnanimity, the admiration of posterity.

Mr. *O'Connell* spoke as follows: Sir, I hope that there is not an individual in this House who will suppose that I have risen to say anything about myself, or that there is an individual in this House, who, after I have said what I intend to say, will have discovered—had he not known it by other means—that I had any personal interest in the late trials: Sir, I rise for another purpose: I am here to make a protestation, I am here to ask a question, I am here to protest in the name of my country, and on behalf of my countrymen, against the commission of one additional injustice to Ireland; and I am also here to ask the simple question of how is Ireland to be governed? I don't ask who is to govern it. I may have my preferences on that point—probably I have—but I ask, how is it to be governed? Sir, there is one fact which no man can deny; and that is—that there is no one country in the world which ever inflicted so much oppression, which ever committed so many crimes against another, as England has committed against Ireland. That, Sir, is an undeniable truth. It did not require the talents of the hon. and learned Gentleman, the Member for Edinburgh, to elicit that fact—every page of history teems with it—every page of history trumpets it forth to the world, that the greatest crimes that have ever been committed by one nation against another have been those of England against Ireland. But I do not mean to go through the history of Ireland to prove this point—I do not mean to go further back than the period of the Union. But for the misgovernment which has existed since the Union to the present day this Parliament is clearly responsible. You ought to think of the situation of Ireland at the Union, and compare it with its present state. If Ireland was then in a condition of distress and destitution, and if it has since arisen to prosperity and comfort, then applaud your Government, talk of your wisdom as statesmen, and refer to the fact of the transition from want and misery to plenty and comfort as decisive evidence of the wisdom of your councils. But is it so? Is that the state in which the facts are before the world? No, Sir, directly the reverse is the fact. At the period of the Union there was considerable prosperity in Ireland. For eighteen years before that time it had enjoyed the benefit of self-government, and it is a portion of history that no country in the world ever rose so fast in prosperity as Ireland did during those eighteen years. In the year 1800, when Mr. Pitt proposed the Actof Union, what were his arguments? He did not inform the House that Ireland was in a state of want and misery, and that, therefore, it would be advantageous for it to be connected with this great country, and to enjoy a participation in its commercial and manufacturing prosperity. No, Sir; the case he made out, the case which it was his duty to make out, and which the facts only warranted him in making out, was, that Ireland had advanced most rapidly in prosperity for years previously—that she exported three millions' worth of manufactured goods, and imported one million's worth of manufactured goods—that her prosperity had thus accumulated when she was separate from England, and that it was clear that if she were connected with a country so much richer than herself as England, that prosperity would be multiplied beyond calculation. He admitted, of course—he admitted, even against his own interest—that Ireland was in a state of prosperity; and the same thing was declared by the other side by one of the most powerful statesmen in Ireland—Lord Clare. Both concurred in the material point; but not content with letting well alone, not content with allowing that prosperity to go on progressing, they thought they could accelerate its progress by joining Ireland with England. How few there were informed of the fact, that at the time of the Union, Mr. Pitt thought that Ireland, prosperous as she then was, would multiply her prosperity in an incalculable degree by the carrying out of that measure. Sir, has the fact borne him out?

Is he justified in his prophecy? Is Ireland in a state of prosperity? I am not here to talk of claims for political, and what, in some cases, may be fanciful rights. I am not speaking of the franchise—or of corporate rights—or of Municipal rights—or of Parliamentary rights; but I am speaking of material and actual prosperity. Sir, what is the condition of Ireland? You talk of demagogues having power there. Oh! see the materials of their power—the poverty and distress of the country! I suppose many Gentlemen have read the *Times* newspaper of yesterday. I assure the House that it was not through any influence of mine that it published the paragraph which I refer to. I did not procure it for it; but if I did, I could not get one better for my purpose. I mean the notice of a work upon Ireland. There is a German traveller, Kohl, who has visited all the countries of Europe, and who has published accounts of his travels. He is unconnected with Ireland, he has no sympathies with Repealers; on the contrary, he showed a distrust towards them. That man, in his book on Ireland, has declared having travelled through all the countries of Europe—that, in none of them did he find distress such as he saw in Ireland. There was no such thing known in other countries; and this, Sir, forty-four years after the Union! But I may refer to another witness: there is a Gentleman of the very euphonious name of Wiggins. He is agent to Lord Headley; he was examined before Mr. Spring Rice's Committee, in 1830, to show that there then existed a good prospect for the prosperity of Ireland. He said, certainly the Union was not very useful as yet, but as we are coming to a period of tranquillity, by means of the adjustment of the Catholic claims, he conceived that there was every likelihood of future prosperity. He even quoted instances of this incipient prosperity. He has now published a book. Fifteen years after his prophecy he has published a book; and, being a man familiar with Ireland, and with the condition of the people, he has declared that poverty has increased—is increasing—that everything is growing worse—that the sufferings of the people are hardly pronounceable. Those are the materials on which a popular man in Ireland grows powerful. But I have still further evidence. Look again, at what the Poor Law Commissioners state. They enumerate 2,300,000 of the population, as being in a state of destitution, throughout a considerable portion of the year. Considerably more than one-third of the population were in a state of destitution throughout the year. It is not Kohl or Wiggins, or any other particular individual alone, but every one who has examined into it, that has found these facts. You have enumerated the population of Ireland—you did in 1821, again in 1831, and again in 1841. Captain Larcom, of the Artillery, superintended the enumeration in 1841. A Government report was made not only of the population, but of the state of the country too; and what facts do I find there? That out of the agricultural population 70 per cent. are in a state of poverty, living in cabins having only one room; and that 30 per cent. of the town population are in a similar state, no family having more than one room, and in some cases several families in the same room. That is Captain Larcom's testimony. And there is another fact, he gives, which will convince every one who reflects how horrid the state of distress must be. Between 1821 and 1831 the population increased rapidly. Between 1831 and 1841 the ratio of increase was 70,000 per annum less than in the previous decennial periods. There were consequently 700,000 persons less in 1841 than ought to have been, and could have been found in Ireland, if the ratio had gone on from 1831 to 1841 as it had from 1821 to 1831. Can any man who hears these facts—can any one who goes across the Channel and looks for himself deny them? And these are the effects of party—this is the situation into which we have been brought by your Government. I have shown that Ireland was prosperous before the Union. I have given you a faithful picture of her at present. Now how do you mean to govern Ireland? You can, to be sure, take legal proceedings against some of her people. You have sent an army over; but will that remedy the evils under which she is suffering—will it mitigate them? Will it ease the deplorable poverty in which the mass of the population is sunk? How little I should care for any thing that occurred at these trials, if I could rouse this House—if I could rouse the people of this country to a due sense of the condition of Ireland, and, by inducing you to give up past contentions, I could lead you to ameliorate the state of the people. And for this end the discussion you have had on this Motion is not wholly fruitless. I may be permitted to say, that I have felt the effect of it personally. With all my delinquencies on my head, the generous sympathy I have met in this country I shall never forget or conceal. I shall proclaim it from one end of Ireland to the other. This, then, is your time. Rally now for the elevation of the Irish people. Ah, but what little hope have we that this wise course will be taken? Is there any expectation of it? Is it prejudice to deny the probability of a better spirit actuating you? Has the Union been what it ought to be, the amalgamation of the two countries? It ought to have been an identification of the two Islands. There should have been no rights or privileges with one that should not have been communicated to the other. The Franchise should have been the same—all corporate rights the same—every civic privilege identical. Cork should have no more difference from Kent than York from Lancashire. That ought to have been the Union. That was Mr. Pitt's object. He distinctly obtained the sanction of the Sovereign to the measure on the ground of identifying the two people, which could not be done if a dominant religion was to be maintained. Emancipation was, therefore, part of the terms of the Union. The moment it was carried some ill-advisers of the Crown—some exceedingly conscientious men, who deemed their own religion the sole depository of religious truth, induced the King to withdraw his consent. The minister withdrew from office; but what folly, what absurdity it was not to complete a measure then ripe for adjustment! Is there any man living who will say the Union was completed? Is there any man on the other side of the House so besotted as not to admit that the Union was nominal and not real? See what an opportunity you then had of settling the differences which now beset you. There were eleven or fourteen of the Bishops—I don't exactly remember which—who were willing to receive salaries from the State, and to give the Crown of Great Britain the power of nomination. You could have made your own arrangements; everything might have been settled according to your wish. But unhappily "the Church in danger" was the cry raised. The Union took place—an identification which was no other than that which Lord Byron speaks of as the shark identified with his prey by swallowing it. And what was the first Act of your Imperial Legislature? An Act for suspending the Habeas Corpus Act, and abolishing Trial by Jury. That was the first Act passed by the Imperial Legislature, and it was emblematic enough of the spirit in which it was intended that the Union was to be worked out. In 1805, Mr. Pitt was a party to the rejection of the Catholic petition. He lost his honour, but he reserved his place. Immediately after his death, the Whigs came into office, and carried one great measure. They abolished the Slave-trade with the West Indies. They were able to do nothing for Ireland. They brought in a Bill, however, to the effect that the Crown should have the power of raising to high rank in the Army and Navy those individuals who were the proper objects of Royal appointment. We were in the midst of a tremendous war—our opponent being the most powerful Individual that had appeared on the globe for centuries. The Bill I have alluded to conferred nothing on the Catholics—it was a mere increase of the Prerogative of the Crown. There was no compulsion on the part of the King to appoint a single additional officer. And here, Sir, I cannot help putting it to the gallant Officer on the other side (Sir H. Hardinge), how he should have felt it, for the bravery which he displayed on the part of his country and the personal sacrifices which he cheerfully made, if he had had no hope of reward because his religion happened to be different from that of his Commander-in-Chief. Never forget that there was as gallant spirits in that Army, whose chivalrous courage must have been depressed because they were conscious they could never have reaped the reward of their valour on account of their religion. And what a paltry and short-sighted policy was yours, not to use every inducement to inflame the public ardour, and to make the love of glory subservient to the interests of the Empire. Yet what was the wise and sagacious policy of England? The No-popery cry was raised to an extent that seems now almost incredible. Some of the Whigs, who had been Representatives of counties and open towns for half a century before, lost their places. Was ever popular insanity carried to a height so absurd? You have now an opportunity of acting in the spirit which the Whigs manifested in 1805, neglect it and you will exhibit still greater absurdities than were exhibited in 1805 and 1806. Mr. Perceval then came into the Ministry. He proclaimed perpetual hostility to the Catholics, and said that the spirit of the Union was to preserve the Protestants and never to relieve the Catholics. Just as now, the right hon. Gentleman (Mr. Shaw), and the noble Lord (Lord Stanley), say that the Established Church is one of the Articles of the Union, and Catholic subserviency a necessary consequence. You have at last however, outgrown the No-popery cry. Are you very sure that your Church cry is more likely to stand the test of time? Will this discussion—will the sentiments announced by the noble Member for Sunderland, a man of high rank and station, born I may say one of the leading statesmen of your country, will the sentiments of the Glasgow meeting, which echoed the opinion of the noble Lord, tend to strengthen the position of your Church? When Mr. Perceval declared that concession could not go further, the Catholics were determined they would not take him at his word. They saw no chance for success but in their own exertions. Two prosecutions were instituted; one succeeded, the other failed. But the combination went on; the power of Napoleon increased, and its stimulating influence extended to Ireland. But through that war the Irish went with you. The Catholic priesthood, astounded by the infidelity of France, and seeing how the Revolution was marked by the hideous progress of crime which spread its lava over continental Europe, stood by you, gave good counsel to the people, prevented many and many a revolt, many and many an uprising, and demonstrated that over such a population France, with her principles, could never hope to rule. Napoleon committed a great mistake; he was blind to the value of Ireland for his purposes. Let me rather say that a providential care preserved these countries from the frightful spread of revolutionary infidelity. As the career of Napoleon progressed and the English grew wiser, and the battles of Lutzen and Bautzen having been fought, his power was supposed to revive; the House of Commons declared that, in the next Session, the claims of the Catholics should be considered. In the interval he fell, and his name became a bye-word of contempt. The English nation was safe, and the House of Commons did not hesitate to slight its own pledge. The Catholics were again ill-treated. They rallied—a six years' struggle took place, and the Catholic Association was formed. We had Monster meetings of various descriptions—provincial meetings, general meetings, simultaneous meetings of parishes—all these we had by our Catholic Association. You attempted a prosecution—there you failed; but you revenged yourselves by a Coercion Bill. That was in 1825. Well, you neglected the opportunity you then had of conciliating Ireland. Recollect that all the leading Agitators, the Bishops, persons of every class influential amongst the Catholics, repaired to London. We threw ourselves upon our knees before you—we begged, as a beggar would ask, that you would take the state of Ireland into consideration. Did you want securities? Then you could have had them. Could you get them now? Do you expect the Thames to flow backwards? Emancipation would then have been received with gratitude. You would have been looked on as benefactors, organization would have ceased, and the elements of opposition would have dissolved in society. You had the opportunity, and I was sitting here and heard the right hon. Baronet speak of the majority with which he carried the Coercion Bill, and but for the House of Lords it would have been carried. No one did more to conciliate Ireland by the hope of Emancipation than I did in 1825. You rejected it. We returned to Ireland. There was nothing left us but to say—

> "Hereditary bondsmen, know you not
> Who would be free, themselves must strike the
> blow?"

That was our motto: we assembled: the people were roused, indignant at this treatment: we made offers, and we should have been grateful had they been accepted: they were refused, and Emancipation was carried. You attempted to return a supporter of the Government in the county of Clare. The freeholders turned out; they returned me for that county in 1828 by a majority of 1,900. Emancipation necessarily followed. You granted it in an undignified way. That which you might have given to entreaty you yielded to necessity. That which would have been received as a favour was esteemed as a triumph. Perhaps I am wrong in saying we rejoiced at it, for I am bound to say that not one atom of the insolence of triumph was shown by any of our countrymen. But your Union was full of mischief,—a fraudulent—not compact—but it was a fraudulent surrender—terms of capitulation granted by superior force. You had 175,000 bayonets in Ireland to carry it; you expended 275,000*l.* in bribery and corruption, and yet you did it in a spirit of the sheerest dishonesty, taking away 200 representatives from Ireland and leaving her but 100, when every calculation that was directed to that purpose demonstrated that she was entitled to at least 150. When you did grant Emancipation you did it at a sacrifice of the poorer classes of voters. You sacrificed the 40*s.* freeholders, and raised the suffrage to 10*l.*, and you indemnified yourselves by an act of the grossest injustice on the other side, all because the Church was in danger. [*Hear and conversation.*] I understand that whisper. The noble Lord is mistaken. I did not consent to give up the 40*s.* freeholders. The noble Lord will find it in that book. I will open the book for him. I insisted that the 40*s.* freeholders of perpetual tenure should not be meddled with; but the 40*s.* freeholders for a single life or death, as it would be called in Ireland, who were made for an election, I consented to give up, and I wish I could have found the same spirit elsewhere; but, that could not exist on account of this unjust Protestant Church. It is the scapegoat of all your iniquity. You think it makes your Protestant Church sure, and the hon. Gentleman opposite is ready to die for it, and has surrounded it with lines of circumvallation. Every oppression in Ireland, every iniquity perpetrated on the people of that country, every right you deprive them of,—corporate reform, a limited Reform Bill—everything is placed outside as a buttress to defend and support that Church. And at the present moment what is it that prevents perfect justice to Ireland but the Established Church? Well, but Emancipation having been carried, the Reform Bill, I think, was its necessary consequence, and I take some credit to myself for having assisted in carrying it. But what did the Irish get by it? You added to the Representation of the counties of England—you gave Scotland eight additional Representatives—you gave five to Ireland; and yet Scotland has only a population of 5,000,000, whilst that of Ireland is 8,000,000. You gave to every one of your English counties having a population of 150,000, on the scale of population alone, an increased representation. When the population was above 100,000 you gave two additional Members. To Anglesea you gave two, being an additional one. You gave to Cork, with a population of 700,000, not one Member additional. I not only spoke in this House until hon. Gentlemen were weary of listening to me, but I relaxed from my studies by writing letters for newspapers demonstrating this iniquity. I put them in the shape of a pamphlet and placed one in the hands of every Member of this House. We remonstrated at the iniquity—we showed the injustice, and that, considering the species of franchise you were to give us, and the short representation we were to have, it was impossible Ireland should have justice done her; and if there were 150 Members for Ireland in this House, do you think you would be able to get an exclusive scheme of Government in that country? But the noble Lord opposite was one of those who were too careful of the Church to do justice to Ireland. His piety exceeded his love of his neighbour—his principle of doing to his neighbour as he would be done by, did not exceed his attachment to the Established Church. Then we complain of the limited state of the Franchise. I am not going into statistics at any length, but in the county of Mayo there are 380,000 population with 900 voters. In Cork there are 750,000, an agricultural population, with 1,500 voters. Wales, with 800,000, very little more than Cork, has twenty-seven Representatives in that House, and 36,000 voters. Does any man imagine that the Irish are so stupid that they would contentedly live under such a scheme of Government as that—that every preference should be made against them, every insulting restriction should be enacted against them? But this was not enough. We were in this limited state of Franchise when, an effort being attempted with the then Government to increase that Franchise, out came the noble Lord upon us, and he brought in a Bill the effect of which would have totally annihilated the Franchise we had. Though in opposition, he carried that measure through two readings in this House, and many who voted with the Ministry on every other question, voted with the noble Lord against Irish rights. Under these circumstances we thought it right to bring the Repeal question before the House. It was debated by the House in 1832; there was a division, we had just one Englishman with us,—forty-two Irish and one English; 500 and odd voted against us. But there was, at least, this done,—there was a solemn pledge given to this House, re-echoed by the House of Lords, and assented to by the King, declaring that, although they were determined to maintain the Union, they would, notwithstanding that, redress all the grievances of Ireland. I wish the House to recollect, that instantly Repeal Agitation was given up. We accepted that pledge in 1834. An attempt was made to realize it, but the Members who attempted it were overruled, partly in this House and partly in the House of Lords. You redressed no grievance. Will any man show me that one grievance was redressed? We lay by for four years; still no grievance was redressed. If we commenced agitation, it would have been said, "We gave you a solemn pledge, to which the King, Lords, and Commons were parties, having the moral effect, though not the legal effect of an Act of Parliament, all branches of the Legislature being parties to the pledge. You would not believe it—you refused to credit it—and we therefore have not been able to redress your grievances." We passed four years without stirring, in the hope that something would be done for Ireland; and something, it appears, was done, for the noble Lord brought his Bill through two readings in this House. I do not wish to trouble the House by reading documents, but as one which I hold in my hand contains a good deal of what I should otherwise have to state in a less condensed form, I shall take the liberty of reading it, and I implore the House to observe from it what our conduct was with respect to this subject. Before we took any further step to procure a Repeal of the Union we formed what was called the Precursor Society, and I presented this petition from that society, and moved upon it myself in this House. The hon. and learned Gentleman then read the petition as follows:—

"The Petition of the undersigned Natives and Inhabitants, Electors and Citizens of the City of Dublin,

"Humbly showeth,

"We, the undersigned, respectfully demand the attention of this honourable House to our claim for full and equal justice to Ireland.

"Equal justice means a perfect identification of rights, privileges, and franchises for the people of Ireland, with those enjoyed by the people of England.

"We respectfully but most firmly demand and insist upon that identification. The people of Ireland are entitled to, and must have an equality of Political and Religious Freedom with the people of England. They seek nothing more—they will not be content with anything less.

"They are entitled to the identification and equality of rights.

"First, as British subjects, contributing to the extent of their means equally with the British people to the revenues of the State.

"Secondly, As the associates of the British people in all the perils, privations, and sufferings of naval and military life—contributing, as they do, more than their proportion to the ranks of the army and navy.

"Thirdly, They are emphatically entitled to this equalization by reason of the Act of the Legislative Union, which to have any rational and equitable meaning, must be construed as intended to terminate all invidious distinctions and preferences between one portion of the British Empire and the other.

"They are also entitled to it by the determination expressed by both Houses of Parliament to perpetuate the Union between both countries.

"Our present object is to render the Union complete and irreversible, by making it a real instead of a nominal Union, by changing it from an Union of parchment to an Union of interest and affection, by giving to the Irish people the benefit of the Union principle, and by abolishing the monstrous absurdity of considering both countries united only when the one is favoured and exalted, and the other oppressed and degraded.

"That to render the Union complete, and in order to carry out the principle of that Measure with practical effect, we respectfully demand the following Measures:—

"First, We demand a perfect equalization of the Elective Franchise in both countries, by extending the rights of voting of each country to the other; and we respectfully, also, submit that these rights ought to be enlarged in both.

"Secondly, We demand an immediate Corporate Reform, equal in every respect with that which England has obtained.

"Thirdly, We demand an adequate number of Representatives for Ireland, in the United Parliament, deeming the injustice of the inferiority of Ireland to the other parts of the United Kingdom, in respect of the quantity of its Representatives, as one of the greatest grievances imposed by, and as the most unjust part of the Union Statute.

"Fourthly, We demand an equalization of religious freedom with England and Scotland. The people of England are not burthened with the Church of the minority; the people of Scotland are not burthened with the Church of the minority. In order to place the people of Ireland on a just equality with those of England and Scotland, they ought not to be burthened with the support of the Church of the minority; and our demand is, that they may be disembarrassed of that burthen, by the application to public purposes—especially to purposes of education and charity — of the temporalities of the Protestant Church in Ireland.

"Such is the extent of our demand—

"The equalization and extension of the Elective Franchise.

"The equalization of Municipal Reform.

"The equalization of Representation.

"The equalization of Religious Liberty.

"Equalization in every right and privilege —inferiority in none—superiority on our part being out of the question.

"The basis of our demand is identification. We are one nation, or we are not. If we be not, it is absurd and unjust to call the present political connection a nation. If we be one nation, then it is profligately iniquitous to treat us as aliens, either in blood, in language, or in religion.

"Should the just prayer of our respectful petition be granted, we who have signed this petition are bound, by integrity and good faith, not to seek the Repeal of the Union Statute. We do not put the case in the alternative. We menace nothing. We threaten no ulterior measure; but we may venture to prophecy, that if the justice we require be refused us, the social elements of Ireland will never settle into tranquillity whilst the Union is a mere mockery and delusion, insulting and oppressive, by the inferiority which it inflicts upon the people of Ireland.

"We tell this honourable House, that there are elements in the moral and physical energy of the Irish people, which will hereafter cause many to regret that they did not avail themselves of the present opportunity of consolidating the Union? We respectfully inform this honourable House that the Irish people will laugh to scorn the pretences under which justice is refused to them. Even if the Protestant Church in Ireland were in danger from the concession of the just rights of the Irish people, that danger should be incurred.

"We believe that the real danger to that Church consists in its being obtruded, upon all occasions, as the motive for refusing to the people of Ireland the rights and privileges which the people of England enjoy. We deem those persons false and foolish friends of the Protestant Church, who put forward Protestantism as the shield and protector of corporate iniquity and political oppression in Ireland; and as there is no other excuse for withholding the rights of the Irish people, save the alleged danger to the Protestant Church, from doing us justice, we do loudly and firmly, though respectfully, call upon this House not to debase religion by making it the cloak and accessory of crime, but to act now at length justly, and even generously, towards the people of Ireland, and to indemnify them for past oppression, by giving them full guarantee for future freedom.

"May it, therefore, please this honourable House to identify the Elective Franchise in England and Ireland—countries in which the tenures of land and houses are similar—and to give to Ireland as complete Municipal Reform as England has obtained, and to give also to Ireland her adequate proportion in the representation, and finally to place Ireland on a footing of equality in religious freedom with England, by allocating the temporalities of the Church of the minority in that country to purposes of charity, education, and public utility. And petitioners will pray."

I moved, Sir, on that petition, for an increase of the Franchises in favour of Ireland; but what success had my Motion? It was seconded, certainly; but that was all. It was opposed by the Government then in office—it was opposed by the Government now in office. It was opposed by both sides of the House alike. I will say that reasonable—that fair—offer ought to have been accepted; or if all the relief I demanded were not acceded, I submit that the House ought at least to have instituted an inquiry into the grievances of Ireland. Something ought to have been done. Nothing was done. We were scouted out of the House with contempt; and he knows little of the feelings of the Irish heart who thinks that we should not regard ourselves as degraded, if we acquiesced by our silence in the injustice thus perpetrated against us by those who sanctioned every grievance of the Union. Recollect that I should have been comparatively powerless if I had not a strong case of physical suffering in the country backing me. The poverty—the destitution of the people of Ireland, might be laughed to scorn in this House, but when you had declined affording us any remedy, was it not our duty to look for that remedy from ourselves, and to endeavour, by our own acts, to mitigate the physical sufferings of the country? I have entered more at length than I intended to have done into the history of the crimes which England has perpetrated against Ireland since the Union. I have but little more to say, but I have, in the name of the people of Ireland, and I do it in their name only, to protest against your prosecutions. In the name of the people of Ireland I protest against the whole of that prosecution. Forty-one public meetings had been held, every one of which was admitted to be legal. Not one of those meetings has been impeached as being against law—each made in the calendar of crime a cypher, but by multiplying cyphers you come, by a species of legal witchcraft, to make a unit. This, that, and the other meeting were each legal, but the three together made one illegal meeting. Do you think that the people of Ireland understand that species of arguing? I tell you that they do not, and that though you may oppress them, you cannot laugh at them with impunity. Secondly, I protest, in the name of the Irish people, against the striking out of all the Catholics from the Jury panel. There is no doubt about the fact that there were eleven Catholics on the panel, and that every one of them were struck off. The fact is certain; it is undisputed. There were excuses, to be sure, offered for it, but there are always excuses made for wrong committed. Oh, but the noble Lord said he had a precedent, and he quoted a case in which I had acted in a similar manner. To be sure I did not hear him say the words, as I happened not to be present in the House at the time, but I perceived by those "ordinary channels" through which matters that take place in this House reach the public ear, that he charged me with having packed a Catholic Jury. Perhaps he did not use the word "packed." That is not so refined a word as the noble Lord would employ, but it is equally significant. He said that I had "arranged" an exclusively Catholic Jury to try a Protestant gentleman. I admit that to be a very serious charge indeed; for though I had no public responsibility vested in me on the occasion, I had that responsibllity which every Gentleman at the bar feels to rest with him—namely, that of not outraging decency and justice by any act of his in the discharge of his professional duties. The case to which the noble Lord alluded was that of General Bingham, a gentleman who, as a politician, was favourably disposed towards the popular party, and who was a very distinguished officer. He happened to enter into an altercation on the high road, and to drive against his opponent. The assault was not very serious, and yet that is the great case — that is the "State Trial" on which I am charged with having packed a Catholic Jury. I am literally stating facts, but, perhaps, the hon. Gentleman opposite has an objection to facts. The counsel with me in that case were John Bennett, a Protestant, and Feargus O'Connor, a Protestant, and it was by them that the proceedings connected with the formation of the Jury were conducted. I am not shrinking from any responsibility, either direct or remote, that may be attached to my conduct; but the fact was, I happened to be engaged in another court until the moment when the last Juror was in the act of being sworn. But, then, was it a packed Jury? There were two Protestant gentlemen on that Jury, and as all the Jurors must be unanimous before the prisoner could be found guilty, it could not be regarded as a religiously packed Jury. It happened, besides, that after I had commenced my statement of the case, Mr. B. Travers, one of the Protestants upon the Jury, was seized with sudden illness, and had to retire, and I then allowed Mr. O'Hea, a Protestant Magistrate, to be sworn in his place. I admit, that if I had the baseness of packing a Jury of a different religion from the prisoner, to try one who had been a violent political partizan—if I had packed a Jury of Catholics to try a man who had felt it to be his duty through life to take an active and vigorous part in sustaining what are called Protestant principles against the Catholics—there is no possible degradation that I should not think myself deserving of. But General Bingham was not opposed to the Catholics or popular claims; and the Jury before whom he was tried was not exclusively composed of Catholics; and I think I have, therefore, vindicated myself from the charge which the noble Lord thought fit to bring against me. They have also sent me lists of two other Juries along with that which I have just referred to. One of these was a Jury of five Catholics and seven Protestants, that in the year 1838 tried a Catholic priest on a charge of conspiracy; and what was the verdict of the Jury so composed? Was it an acquittal, or did the Jury disagree? No; but found the prisoner guilty without leaving the box. The other case has been sent to me from Middleton. It was a case of sedition that had been tried there. The prisoner was a Catholic, and the Jury which was composed of ten Catholics and two Protestants, found the prisoner guilty also without leaving the box. I mention these cases to the House, because they enable me to spurn with indignation the base insinuation, that ten or eleven Catholic Jurors would perjure themselves in any case on which they could be empanelled. Protesting in the name of the people of Ireland against that accusation, and knowing it, as they do, to be utterly untrue, I leave it as a stigma with you for the mode in which you constituted the Jury in the recent Trial. They have also bid me complain of the diminution of the Jury List, which, whatever insinuations may have been thrown out against the man M'Grath, has not been, I think, by any means clearly accounted for. A challenge was put in to the array—not set forth generally, as in the Welch case, but averring distinctly, that the omission of the names was fraudulently done with intent to injure the traversers. I was not here when, as I have been informed, it was said by the very learned Attorney General for England—than whom I do not think any Gentleman ever conducted a prosecution with more perfect accuracy and propriety than has been exhibited by him on every occasion in which he has been concerned, that there could not be, as he thought, a reply to that plea, because the names were not set forth. But surely he cannot forget, that a man may be tried for murder where the name of the person murdered is unknown, and if the law were otherwise would not the effect be that crime would escape with impunity if it could not be punished where, though the crime was witnessed, the injured party happened to be unknown? But would it not, I ask, have been prudent and wise, when a fraud with such an intent was set forth as the ground of challenge, for the Attorney General for Ireland not to have shrunk from the proof, but to have met it boldly and openly? The Attorney General did act wisely and well according to his mode of proceeding in declining to meet that proof, because he knew the case which he had to sustain, and he has claimed credit for having done so. I have but one observation more to make on the subject of that Trial. It is one which I would make with some regret if it were not the fact, that I make it with some peril to myself. It is with reference to the charge of the Chief Justice, and I fearlessly assert, that since the time of Scroggs and Titus Oates, there never was delivered so one-sided a charge. These are the complaints that I have to make on the part of the people of Ireland, and I now turn from them and ask you what is it you propose to do for the people of Ireland? You probably intend to keep an army of some 22,000 or 23,000 men there, but can you continue to do so consistent with the necessary demands upon you from the colonies? But there are some proposals of amelioration made, as I have learned through the same channels through which I discovered what the noble Lord had said of me. The first of these is the enlargement of the grant—I do not know, is it to Maynooth? [*No, no.*] Well, it is for education generally, and I have to express my gratification at any aid given to education, as I think you cannot educate the people too much, though you may educate them to a formidable purpose against yourself. The next measure of conciliation is the introduction into Ireland of the English Catholic Charities Bill, known as Mr. Lamb's Bill. I do not know any measure that would do a greater amount of mischief in Ireland, than that would effect, though it had been introduced originally for England by myself. The hon. Member for Oxford, however, took care to be most punctual in his attendance whenever I had it in the list; and I had at length to complain to the then Administration of my inability to carry it, and they got Mr. Lamb to introduce it in his own name. The Statute for Superstitious Uses, passed in the reign of King Edward VI., has never been extended to Ireland, and even in England it was a mere retrospective Act, though, singularly enough, Lord Eldon treated it as being also a declaratory Act. The old Statutes of Mortmain do not apply to the Catholic Clergy in Ireland, as they are not recognised as corporations, and Catholic charities have accordingly been administered by the Equity Courts in Ireland at all times as efficiently as Protestant charities. What I would suggest would be the introduction of a Bill making the Catholic Bishop in each diocese a *quasi* corporator, so as to enable him to take any quantity of land, the extent of which you might, if you wished, fix within certain limits and give him power to leave it to his successor without the intervention of trustees, heirs at law, or executors. There is another point—that which relates to Fixity of Tenure. Now I say you are doing immense mischief by not acting expeditiously with reference to that matter, because you are unsettling the minds of all the actual occupiers. There is a feeling abroad that all who have been ejected within the last six years will be restored. It is a melancholy fact which cannot be prevented—there is a difficulty in your Government getting credit for any useful measure, and the moment the people see a probability of a change you unsettle their position. You must act rapidly. What I propose you should do is this—you must first make the Law of Landlord and Tenant similar to the law as it stood at the time of the Union; you must strike out every statute you have passed from that day to this, to benefit the landlord. That can be accomplished; you have the laws, and the landlords made them, and how can the landlords complain? They even preceded you in passing Acts for facilitating the making distresses in Ireland. The General Replevin Act was passed in Ireland before it was passed in England: in England it was passed in the reign of George II., and in Ireland in the reign of Anne. This is within your own limits. You have much more to do, if you will only try with a spirit and disposition to act fairly for Ireland. You should inquire into the financial arrangements which were made at the Union. I will not trouble you by reading the documents which have been drawn up by the Repeal Association on the subject of the financial condition of Ireland; but if you will condescend to read them they will show you that a greater injustice was never committed than that which has been committed since the Union, and in consequence of the Union, by the nature of the financial arrangements in Ireland. I say to you on that subject, do her financial justice. The only grievance that has been redressed is that of the corporations; but that is an insult and not a redress. It has thrown out one party from power and given the shadow of power to the other party, and has dissatisfied them. Make a corporate reform for Ireland equal to that which you have made for England. We do not ask more. Give us that redress which you have given to others. Regulate the corporations in Ireland according to the proportion that the Protestant population bears to the Roman Catholic. I now come to another question—Absenteeism, the cause of increasing poverty and destitution. Look upon absenteeism as a crime in Ireland. It ought to be punished as if it were a crime. It is said, how can you get at absentees to tax them? I say you have done it—you have done it by your Income Tax. The Irish landlord in England pays the Income Tax. You have the machinery; you can compel him to go back to his country and attend to his wretched serfs. [*A cheer from an Irish Member.*] An Irish landlord cheers me—I am glad of it, for there is not a better landlord in Ireland; there is no necessity for a law to compel him to attend to his tenants; send back others, and let them follow his example. I am talking of an evil with which I am afraid you will not meddle; it wants a radical cure, for it is an evil too great to be borne. There is another boon I ask for Ireland. Give us an adequate share in the representation. You have rotten boroughs which you can lop off; there is Harwich, with 175 voters, returning two Members, and the county of Cork, with a population of 750,000, returning two Members also. It has been admitted at the commencement of the present Parliament that there never were instances of greater profligacy than those which occurred at the last election. The hon. Member for Bath made disclosures to you—you should act upon them, and give us a fair representation. I come now to the last obstacle of all, and the greatest—the Church. Can tranquillity ever exist in Ireland as long as there is a poor Church totally unconnected with the State, perfect in all its parts, supported by the majority of the people, and, I am bound to say, insulted by the superiority of a wealthy Church supported by the minority? No one asks you to deprive any living man in this rich Church of his vested interest. Let not the revenues of the present incumbents be diminished, only apply the principle to the successor. You should look at Ireland with the eye of a master, and you will see that till there is religious equality there cannot be political peace. How will you give religious equality? You are told by some to pay the stipends of the Roman Catholic Bishops and Clergy; they refuse it; it is impossible for them to accept the money of the State—they would lose caste if they did accept it. They are convinced that the connexion between Church and State is injurious to the one and destructive to the other; that is their thorough conviction, and is also my thorough conscientious feeling. You have not a sufficient

Treasury to pay them; you could only dole out pitiful salaries, which would excite, but not satisfy them. At whatever point of view you look at it, it is impossible. As to talking of their sitting in Parliament, I would rather see them in any place that was not disreputable than in Parliament. Well, as to the other plan—does the Protestant religion require all the money it now enjoys? Would it fall if the Clergy were not paid by the State? Is it necessary that religious truth should be backed by money? You tell me the Protestant religion would fall if its Ministers were not so paid; if that be the case, what a triumph it must be to me to belong to the Roman Catholic Church! The Catholics once had all the livings; they have been taken away, and that Church has only had some donations since the Reformation. You deprived the Roman Catholic Church of Ireland of all her revenues, and hunted her priests into the fastnesses. You set the same price on the head of a wolf as you did on that of a priest. And has the Catholic Church fallen for want of money? No; she never was in a more triumphant state than at the present moment. She has four Archbishops, twenty-three Bishops, fifty Deans, sixty Archdeacons, 2,000 parish Priests, with two or three Curates each. She has an unbroken hierarchy, as regular, as orderly, and as perfect as it was the day before Henry VIII. ascended the Throne. It is not money, then, that supports her; she is no disciple of money; in that respect she gives you a lesson. Have you not the same faith as we have? Are not the Scripture truths propagated by the power of argument, by the influence of education, and the talents of the Clergy? Are they not sufficient for the defence and the protection of your religion? Why, then, is the country to be divided? I implore you, then, to look with the eyes of men and statesmen and cure this anomaly of the Church of the few possessing temporalities, and the Church of the poor possessing nothing but their blessings. I will go back to my country, and carry back your answer. I am afraid it will not be satisfactory. I wish it were. Since the connexion between the two countries, has there not been enough of ill-will? Is it not time to lay aside all enmity and malice? Has not the period come when, as Christians, as men, as brothers, we should put an end to the distinction—the odious distinction between Irishmen and Englishmen, between Catholic and Protestant? Is it not time that all those distinctions, odious in all their relations, should be abolished and done away with, and that there should be a rivalry only in offices of charity and justice?

Sir *R. Peel:* Sir, I should be appalled by the duty which I have to perform, if I had not great confidence in the justice, and still greater confidence in the indulgence of this House. The House, I am sure, will consider that in now rising, at the close of the ninth night's debate, to address them, I am not rising for the purpose of gratifying any personal wish of my own, or for any purpose of idle display; but I rise in the performance of my public duty towards the House and towards the Government, which imposes on me, considering the situation in which I stand, the obligation of addressing the House. I know, Sir, that in a debate, conducted on both sides with extraordinary ability, and carried on through such a long period of time, every argument that could be brought to bear upon the question before us must be exhausted; and I know likewise that, under such circumstances, it is next to impossible to offer any novel observations to the House; but yet, I have no other alternative than in the discharge of my duty, to present in a connected and intelligible form my opinions and views on the several matters which have been brought forward. I cannot do that effectually without travelling over a field which has already been exhausted. I must therefore, appeal to the patience and indulgence of the House to bear with me while I perform that duty. I have another and a greater duty—I have to exercise that privilege which belongs to the accused. On the part of the Government I stand here to make our defence. I am naturally influenced by the feeling of a consciousness of having been exposed to unjust and unmerited imputations. I must exercise that privilege of defence—the liberty of giving vent to that feeling; yet I will not permit that feeling to be mixed up with the consideration of important matters of policy affecting the interests of Ireland; and on all that part of the question which relates to public policy—the question of future legislation—I trust, I shall address myself to it with that care, moderation and forbearance which becomes a subject of such immense magnitude. In replying to the many charges brought against me, I hope I shall not forget that reserve respecting all matters of a personal nature, affecting the position of those Gentlemen who have been the subject of criminal proceedings, which should be maintained. If I transgress the rule which I lay down, it will be contrary to my intention, as I wish to conduct the defence of the Government with a perfect recollection of the position of the hon. Gentleman who spoke last. I wish the hon. Gentleman instead daily of agitating the passions of his countrymen on the subject of Repeal, would give us here an opportunity of meeting him and replying to his arguments, and I should not doubt as to what would be the result. I beg you to bear in mind what were the arguments and statements on which the hon. Gentleman has this night rested his appeal for the Repeal of the Union. What a perversion of history is necessary to vindicate his demands for what he calls justice to Ireland! The hon. and learned Gentleman said, that for eighteen years anterior to the Union, Ireland had the happiness of enjoying an independent Parliament. An independent Parliament! What! the Parliament that sat from 1782 to 1800 an independent Parliament, providing for the social happiness of those for whose interests they legislated! Why, I thought one of the gravest allegations of the hon. and learned Gentleman was, that through the corruption of that Parliament the Union had been effected, and that the rights and liberties of the people of Ireland had been sacrificed through the corruption of that Parliament. And was the condition of the people really happy under that Parliament? What said Mr. Grattan? He asked after 1782 — long after, if I recollect rightly—"What has the independent Legislature effected for us?" He said, "We have got a Police Bill, we have a Riot Act, we have got pensions without end, we have a privileged traffic in the sale of Peerages." That was Mr. Grattan's account of the virtue of that independent Parliament. He said, in fact, that Ireland was reduced to the condition of a province; and is it true that the condition of the people of Ireland was happy? Look at the statements presented of the condition of the City of Dublin and other cities from 1795; look at the accounts of the trade of Ireland; look at the diminution of trade and the shipping interests for the ten years preceding the Union, and you will see whether the hon. and learned Gentleman proved his statement that Ireland was in a state of advancing prosperity. Was the condition of the people happy — was their social state perfect—was Ireland governed without insurrectionary Acts, or other Acts against the liberty of the people? Talk of the state of Ireland between 1783 and 1800—why, the Rebellion and all the terrible consequences of it occurred during that period. The Rebellion broke out in 1798, and was but just suppressed at the time of the Union. But if this Irish Parliament did as greatly conduce to the happiness of Ireland, as the hon. and learned Gentleman has stated, how, I ask, was it constituted? If the hon. and learned Gentleman's statement was true, how completely did it show that that happiness is entirely independent of, and unconnected with, the social institutions of its Government. For at any rate the hon. and learned Gentleman cannot deny this, that that Parliament which he now says promoted the happiness and prosperity of the people of Ireland, was a Parliament returned by small boroughs; that that Parliament was composed exclusively of Protestants; that during that whole period, at any rate, there was the Established Protestant Church. Yes, during that period, when the hon. and learned Gentleman says the social state of Ireland was almost perfect, the Roman Catholics were subject to disabilities, the Parliament was exclusively Protestant, and the Established Church was in its full efficiency. I leave therefore the hon. and learned Member the choice either of admitting that it is consistent with the interests of Ireland that the Established Church should be preserved, and even that the civil disabilities of the Roman Catholics should have remained in force; or he must admit to me, which is the real fact, that you only carried on the Government of Ireland with the Parliament which existed from 1782 to 1800, through the instrumentality of corruption and venality. But history proves that the social condition of Ireland was not a happy one, and that that Parliament did not promote, and was not calculated to promote, the peace and welfare of Ireland. The hon. and learned Gentleman must also admit to me, if there be truth in history, that there never existed a Legislature less entitled to the character of independence, in any sense of the term, than the Parliament which he now says was the pride and boast of Ireland, and had contributed more to its happiness and prosperity than any other institution. I think the hon. and learned Gentleman would better consult the interests of his country, and take a course more corresponding with his own permanent fame, if he would give us the opportunity here of examining his statements, and of encountering his arguments, instead of inflaming the passions of the ignorant by misstatements like these. We may judge what the nature of those misstatements of the hon. and learned Gentleman must be on such an audience by those he has ventured to make in the face of a British Parliament. Having reluctantly been diverted from the consideration of the Motion of the noble Lord by the new topics introduced by the hon. and learned Gentleman, I now pass from them, and proceed to address myself to the merits of that Motion. With respect to the Motion itself, I think the noble Lord will admit to me that it is a Motion exclusively—I won't say exclusively—but one deserving strictly the name of party Motion. It is a perfectly legitimate Motion, and one in conformity with ancient precedent, and a perfectly constitutional mode of trying the confidence of the House in the Government. That it is a party Motion the noble Lord, I think, will admit himself. It is not a Motion for inquiry into the state of Ireland. The noble Lord might have pursued this course. He might have said, "I won't mix up the considerations of party with the higher consideration of the Government of Ireland. I will challenge your conduct. I will put you upon your defence; but I will support my charge against you, not from party considerations, but for the more important consideration of the social state of Ireland." But the noble Lord has not taken that course. Has the noble Lord moved for a Committee on the whole state of Ireland? No such thing. But as if he were afraid of the possibility of success; as if he shrunk from the risk of being compelled in that Committee to explain in details what were his own views with respect to the policy to be pursued in Ireland, at the moment he gives his notice he publicly declares—"I mean to move a Resolution strongly condemnatory of the conduct of the Government, and I will make it impossible for the Government, consistently with their own honour and character, to acquiesce in my Motion, and will force them into a declaration of policy that shall render it impossible for them to govern Ireland." Not so the noble Member for Sunderland. His speech expressed strong opinions, from which, however, I may differ, I will say I am sure are sincere. I never was more convinced in my life, from the tone and manner of the noble Lord, that the opinions he submitted to the House without any regard to the consequences, were his real opinions. But I think that the speech of the noble Lord the Member for London was quite of a different character. He was in a difficult position. He was solving a great question in political fluxions, and undoubtedly he did come to the solution of it like a great mathematician. He had to reconcile the maximum of crimination against the Government with the minimum of inconvenience to his supporters. *Quod erat demonstrandum.* Now, the only thing I can extract from the noble Lord's speech is this sentiment—"Remove the present Government, and place me in office." He dealt plentifully in impeachments and accusations against us, but when he came to explain his own views with respect to Ireland, and the policy to be pursued in that country, he said nothing whatever which could compel him when in office to adopt any course different from that of the present Government. Did the noble Lord say, "If I could realize my own wishes I would divide the funds of the Church Establishment in Ireland, and give one portion to the Roman Catholics, another to the Presbyterians, and a third part to the Protestants?" Did he say, "These are great projects, but I fear that at present the prospect of consummating them is most remote? I see no chance of its arriving for a considerable period, but I will make some progress to meet it; and I think the first step towards it is doubling the grant to Maynooth?" Should the noble Lord succeed through this Motion, and be reinstated in power, his success will involve him in less of inconvenience and difficulty with regard to the Church question than any public man was ever in before. I rejoice at this —I rejoice that the noble Lord has not committed himself on his return to power to any measure which may very materially endanger the support of the Established Church. With respect to the accusations of the noble Lord against the Government, allow me to say that I think it would have been better far for him to have abstained from attacking us in such an acrimonious way as he did. I think, considering the exposed position of the house in which the noble Lord lives, and looking to the very brittle materials of which it is composed—with a Coercion Act and an Appropriation Clause—I think, I say, that the noble Lord might have been far less dangerously employed than in throwing stones at us. I do not mean, however, to follow that example, I will ward off the blows of the noble Lord as I can; but I will not disturb the temper of calmness and moderation in which I wish to consider the affairs of Ireland by seeking any opportunity for recrimination. The first charge made against us is a very serious and a very unjust one, which I scarcely expected would have come from the noble Lord. It was to the effect that the Government, that is, I, who, as the head of it, am mainly responsible for its acts, had selected the present Lord Chancellor on account of his hostility to the Irish people. The noble Lord denied his talents. [*No, no.*] The noble Lord certainly denied that the Lord Chancellor efficiently discharged his duties. He asserted that the appointment should not have been made, and undertaking to answer not only for the conduct but the very motives of other men, had declared his opinion that I had selected Lord Lyndhurst for the Chancellorship because of his enmity to Ireland —nay, worse still, on account of his offensive language to the people of that country. The noble Lord absolutely asserted, that I had so far disgraced myself as to have selected for the highest office in the Law Courts of the Empire a man whose qualifications for that situation consisted in enmity and the use of offensive language to the Irish people. I am sure that escaped the noble Lord in the heat of debate, and I ask him in his cooler moments whether he does not think that this is an accusation which he had no right to prefer except upon some stronger evidence than mere suspicion? I have been in the administration of affairs twice before—now, three times, and in every instance have been connected with Lord Lyndhurst. In 1829 Lord Lyndhurst held the office of Lord Chancellor. In the short administration of 1835 he held the same important post. In 1841 I was called upon by Her Majesty to form an administration: and the noble Lord (Lord J. Russell) thinks that it would have been just that I should have said to Lord Lyndhurst, "True, I have twice been connected with you in office; true I was associated with you at that critical time when the Roman Catholic Disabilities were removed; true, I asked for your assistance and influence in mitigating the objections of the House of Lords, and I received your cordial support; but you have used some hasty expressions at which offence has been taken, and I must now exclude you from office, and make you the sacrifice in order that I may court popularity in Ireland." Lord Lyndhurst would have replied to me —"I deny the use of any such expressions. In the face of the House of Lords I have denied them. When I used them they were not challenged. A fortnight afterwards I was taunted with them by those who had heard them at the time, and this was my reply"—This was the language which Lord Lyndhurst used—

> "Now as to the charge itself, what is it? It is this—that I stated, as a reason for not granting municipal institutions to the Irish people, that they were aliens by descent—that they speak a different language, and that they have different habits from ours—that they considered us to be invaders of their soil, and that they were desirous of removing us from their country."

That was the charge. Lord Lyndhurst's answer was—

> "I made no such statement, nor did I say anything at all resembling it. No expression ever fell from me upon which any person not of weak intellect, or not disposed to misunderstand or misrepresent what I stated, could have put such a construction. The noble Marquess (referring to the Marquess of Lansdowne) referred to these words, regretting that I had used them, and hoping that I should explain them. I replied that I had nothing to explain, and that I would satisfy your Lordships that I had never made the statement."

That hasty expressions should have been thus construed, no one can regret more than myself, except Lord Lyndhurst; but would it have been fair, when he had explained the offensive interpretation put upon them, if, six years after I had said to my noble Friend, "I cannot advise the Crown to appoint you, in consideration of some hasty expressions in debate made use of by you six years ago?" When I look at men like Lord Lyndhurst, who have raised themselves from the position in society in which they were born to the occupation of the highest office of the State—when I look to the manner in which the office of Lord Chancellor has been filled within the last eight or ten years—when I see that it has been occupied by such men as Lord Eldon, Lord Brougham, Lord Lyndhurst, Lord Plunket and Sir Edward Sugden—when I recollect the origin of such men, and their elevation by the force of merit from comparative obscurity to the highest civil station next the Throne—this is, I conceive, the proudest homage to the democratic principle of the British Constitution. It affords the strongest practical contradiction to the remark of the Roman satirist—

> "Haud facile emergunt quorum virtutibus obstat
> "Res angusta domi."

In this country, the *res angusta domi* has been no impediment to the elevation of men of talent, who, by the force of their own energy and character, have raised themselves to the highest stations in the Empire. I had difficulties to encounter, which I know the noble Lord (Lord J. Russell) had not to deal with, in overlooking the claims of candidates for the appointment of Lord Chancellor. The noble Lord has exhibited examples of resolution and virtue in respect of that office of Chancellor which since the *atrox animus Catonis*, have hardly been equalled. It was, I know, in the noble Lord, virtue, and no meaner motive. The noble Lord had the good fortune to be connected with a man who had long been a faithful friend of the Whig party, the pride of the Bar of Ireland, the ornament of the British Senate, the friend of Grattan. He had the happiness of being connected with Lord Plunket, whose name will go down to remote posterity as one of the brightest stars that shine in the constellation of Irish eminence. Lord Plunket was the son of a Presbyterian minister: he raised himself in his own country to the rank of Chancellor, and the Irish Bar rejoiced in his elevation. The noble Lord opposite thinks it necessary to consult the prejudices and feelings of the Irish people; he taunts us with overlooking Irish claims—with making English appointments. The noble Lord had a Chancellor, the most eminent man the Bar of Ireland ever produced; and six weeks before the noble Lord quitted office he, so sensitive to Irish feelings—he, so jealous of offence offered to Ireland—he, so jealous of the preference of Englishmen—he, having that man as Chancellor whose connexion with his Ministry was the pride and boast of the Whig party—he signified to that Irishman, to Lord Plunket, to that Chancellor, that it was expedient for him to retire. And for what—so far at least as the public is apprized? In order that he might gratify the vanity of, certainly an eminent and distinguished lawyer, of whom I wish to speak with the respect that I feel for him—but, in order to gratify the vanity of a Scotchman. In order to gratify that noble and learned individual with a six weeks tenure of office the people of Ireland were subjected to an affront which, whatever the noble Lord may think of my disposition towards that country, I declare if I had offered them, I should have been unworthy to have retained office for a single hour. The noble Lord quitted this question relating to Lord Lyndhurst, and what was the next topic to which the noble Lord referred? The noble Lord, the representative of a great party, when expatiating on the wrongs of Ireland, thought right to occupy his time in raking in the kennels for the refuse of election dinners; and the noble Lord quoted a speech which was made at the Canterbury election, in order that he might charge me with participation and adoption of the sentiments there expressed. Why this would be a hard rule for public men. It is hard to make me responsible for expressions either used by, or attributed to Mr. Bradshaw, the Member for Canterbury. The noble Lord is followed by a powerful party, confederated with him in promoting political objects, who will vote to-night, naturally and justifiably, with him for the purpose of removing us from office, and replacing us by the noble Lord. But the noble Lord would think it exceedingly unjust if I imputed to him any sentiment that may have been uttered by one of his supporters at a dinner or at a meeting. Whether the noble Lord disavowed the sentiment or not, he would say,—"It is unjust of you to ransack the records of Anti Corn Law meetings, picking out some violent or offensive expressions, charging landlords with cold-blooded insensibility to the distresses of the country, and then saying, that because I vote on the same side with the persons who used them, and may be united with them in general political sentiments, you will therefore make me individually responsible for their language." But suppose I had always disclaimed the sentiments which the noble Lord imputes to my hon. Friend—suppose I had said, "I will not countenance these prejudices"—suppose I had declared, as well in Opposition as in Government, "I approve the appointment of Catholics to office; I think the right hon. Gentleman (Mr. M. O'Ferrall), at one time the Secretary to the Admiralty, and afterwards Secretary to the Treasury, was entitled to the place he occupied; I make no objection to the appointment of Mr. Wyse; I think the Roman Catholic Relief Bill has removed their disabilities, and I conceive that the Government was justified in their appointment;"—suppose I had said this, as I did say it, in public, would it not be unjust on the part of the noble Lord to say to me—"I make you responsible for what passed at the dinner at Canterbury?" I do not carry the doctrine of conspiracy quite so far as the noble Lord seems disposed to do. Here is the noble Lord protesting against the injustice of making one man responsible for the acts of another, and yet he says—"It is convenient for party purposes that I should make you responsible for an election speech delivered at Canterbury." Sir, I consider this to be a most important matter, on account of the use the noble Lord makes of it. Says the noble Lord—"These are the men entertaining those feelings with respect to Roman Catholics. These are those men,"—speaking of the Government—"offering to you, their Roman Catholic fellow-subjects, those insults; speaking in that language of your ministers of religion." Then the noble Lord says,—"Will any Roman Catholic of honour and spirit consent to receive favours from such a Government?" Sir, what the noble Lord wants to do, is this; he wants to make it impossible for a Roman Catholic to accept favour from the present Government and then to turn round upon the Government and say, "Why, how unequally and unjustly you distribute your patronage: here are twenty Protestants and not one Roman Catholic." Is that just? First to create an impediment by raising unjust prejudices against us, founded upon unjust accusations and then to make it a charge against us, when you have succeeded in deterring Roman Catholics from accepting favour, that we are guilty of having withheld favour from them. Sir, I have often said in this House publicly what my opinions were on the subject of the position of Roman Catholics, and I am taunted, and it is said, "Yes, these are fine declarations you make in debate but you don't practically adopt them." Allow me to say, and I say it with perfect frankness, that the subject is one of great difficulty. I recognise that where there are equal qualifications there ought to be no practical disabilities. I say this with respect to every office. I care not what prejudice I may create against me: and I say now, in the possession of power, what I said when I was not in office, that with respect to the judicial office, with respect to the Privy Council, to every office there ought to be no impediment whatever to the appointment of a Roman Catholic upon the ground of his religious opinions. Sir, since Parliament last met, there has been one, and I think only one office of a judicial nature vacant in Ireland; it was an office in the Ecclesiastical Court; I apprehend no one will contend that any body but a member of the Church of England ought to have been appointed to that situation. The appointment was placed at my disposal by the Lord Primate. I determined to place in that situation the most eminent man at the Bar of Ireland, with reference to professional attainments and nothing else; and I think it will be admitted that I did so when I appointed Mr. Sergeant Keating to that situation. Mr. Sergeant Keating vacated the office of third Sergeant, which it was necessary to fill. A communication took place between the Government of England and the Government of Ireland upon the subject of that appointment. And now, as I want to destroy those prejudices which the noble Lord is trying to create—to show to the Roman Catholics that I don't participate in the opinions delivered at election dinners—and to show them that I am not delivering these sentiments upon the impulse of the moment in debate, I shall take the liberty of reading to them, unjustly accused as I am, the letter which I addressed to the Lord Lieutenant on the subject of that appointment, addressed, be it observed, not now under the pressure of debate, but in the course of last year. It is dated August 22, 1843, and is as follows:—

> "I admit that political considerations would not justify a bad appointment of any kind, still less a bad judicial appointment; but I must, on the other hand, express my strong opinion that considerations of policy, and also of justice, demand a liberal and indulgent estimate of the claims to the favour of the Crown of such Roman Catholics as abstain from political agitation, and take no part in politics offensive to the dispensers of that patronage. What is the advantage to Roman Catholics of having removed their legal disabilities, if, some how or other, they are constantly met by a preferable claim on the part of Protestants, and if they do not practically reap the advantage of their nominal equality as to civil rights?"

I can with truth say I wrote this letter with reference to the appointment then vacant, and without reference to this debate. The letter continues—

> "I can readily believe that for nearly every office that may become vacant for ten years to come, there may be found a Protestant candidate with at least equal claims in point of

qualifications, and superior on account of professed attachment to the Church. If that claim is always to be admitted, there is still a practical disqualification; and what motive can we hold out to Roman Catholics to abjure agitation and the notoriety and fame which are its reward, if honourable appointments, and legitimate distinctions, be in fact withheld from them? I fear they will not be satisfied with the answer, 'true it is we have made fifty appointments, but for every one a Protestant had a preferable claim.' Why have Protestants a preferable claim? Because they have had for a long series of years the advantage of a monopoly of privileges secured to them by law, and have been thrown in constant contact and intercourse with the Government. The policy of the law has been changed, and surely we ought not to allow the effects of the preceding policy to remain in full force, and ought not to plead the inferiority of the Roman Catholic as a conclusive reason for preferring his more fortunate opponent."

I have read that letter as indicative of the spirit with which the Government was anxious to treat Roman Catholics. The result was, that Mr. Sergeant Howley was appointed. I have not the slightest doubt, had there been a wish to exclude a Roman Catholic from the appointment, that it would have been easy to have found men of at least equal professional abilities in the Four Courts. But Mr. Sergeant Howley, a Roman Catholic, was appointed. Now, just to show the spirit that actuates that system of declining every appointment when we do make it—of trying to persuade Roman Catholics into a refusal, in order that you may found a claim for your own rise to political power—I will read what was the impression sought to be raised by your party organs. Hear what this paper, the organ of Gentlemen opposite, hear what it says upon making the announcement of a Roman Catholic appointment by a Conservative Government. [" *Name.*"] Oh, this is the *Morning Chronicle*. We are often made liable for indiscreet expressions in other papers over which we have no control, and I think it is quite fair that I should quote from this. Well, it says—

"The present Government have, during their career of office, made many bad and some absurd appointments; but we do not remember any one so curiously infelicitous as their last legal promotion in Ireland. The dignity of Sergeant-at-Law is one of much more importance in Ireland than it is in this country. The Irish Sergeants, three in number, act from time to time as Judges of Assize, and the coif is generally regarded as a preparation for the ermine."

It goes on—

"How this extraordinary appointment came to be made is a question which has produced no little speculation. The explanation, however, does not seem very difficult; it is only necessary to suppose a little shallow cunning and a large share of blockheadism on the part of the Government, and the whole matter will be accounted for."

That's the encouragement they give us. Then,—

"Whatever motive may have dictated the selection of Mr. Howley, the result has been most damaging to the Government. The exasperation of the Irish Tories was, of course, expected."

Yes; but they give us no credit for that.

"But it was not anticipated that the Liberal members of the Bar would regard Mr. Howley's elevation as an insult, and take pains to disclaim him as a political friend. It is quite clear that Sir Robert Peel's Government cannot govern Ireland."

Now, what is the truth with respect to this Mr. Howley, totally unconnected with us in politics, whom we never saw, of whom we never heard, except from the respect attaching to his name, who had the manliness and courage, notwithstanding the denunciations of the noble Lord and his party organs, to receive the proferred advancement from a Conservative Government? What took place on his appointment which was said to be an insult to the Bar of Ireland? As soon as his appointment was known, from the county in which he had acted as a Judge most honourable testimonials to his conduct, ability, and integrity, were received, and more honourable testimonials were never received by any man. Here is an address to Mr. Sergeant Howley, the man whose appointment is an insult to the people of Ireland, and whose appointment proves that the present Government is not fit to govern Ireland. To Mr. Sergeant Howley was presented this address from the Magistrates of the county of Tipperary. They say:—

"It is with heartfelt pleasure we take this opportunity of expressing the deep sense of the gratitude we feel to be justly due to you from all classes of the community in this county, for the admirable manner in which you have for so many years administered the duties of the arduous office of assistant barrister."

That address is signed by no less than 105 Magistrates, all coming forward to bear testimony to the integrity and ability with which Mr. Howley had discharged his functions. There is also an address to him from the Grand Jury, and an address to him from every practising solicitor in the county of Tipperary. Is this then fair warfare to the Government? It may be fair towards us, but is it fair to the individual? Is it fair to the character of an honourable man, so soon as we give him the proper reward of professional merit, to turn round upon him and injure his character, and depreciate his merit, in order that through him you may strike a blow at the Conservative Government? Sir, I think that is an answer to the attempt of the noble Lord to involve me in the responsibility of expressions hostile to the Catholics used by Gentlemen with whom I may be joined in party politics. And now as to the disposition to encourage offensive or hostile expressions used to the Roman Catholic body. The right hon. Gentleman (Mr. Sheil) made an appeal to me last night on that subject. He referred to an address of a Protestant Operative Association in Dublin presented to my noble Friend the Lord Lieutenant, and asked me if I approved of the expressions and sentiments it contained, offensive to the Roman Catholics, and he read an answer of my noble Friend to that address. He did not state that that answer referred merely to the approbation expressed in the address, of the conduct of my noble Friend. [Mr. *Sheil:* I read it all.] Yes; but the right hon. Gentleman dropped his voice after he had read the words "warm acknowledgments," which were followed by a loud cheer, that prevented the rest of the passage being heard. It very often happens, that when a public man receives in the press of business one of these very long controversial addresses, he does not read them all, and a common official answer is returned; and is an answer of that kind to be brought forward against him in the House of Commons as the written answer of a man who approves of expressions offensive to Roman Catholics. I am sure the House will allow me to do myself and the Government justice on this part of the charge preferred against us. The right hon. Gentleman (Mr. Sheil) referred to me; and I have had memorials addressed to me, to the same effect, from Protestant Operative Associations. I had one before the agitation begun, addressed to me in the year 1842. It was from the Cork Protestant Operative Association. It began in this manner:—

"We, the members of the Protestant Operative Association of the city of Cork, feel called on by a sense of duty to ourselves, to our country, and to our God, to address ourselves to you on a subject of the first importance, namely, National Education."

It then went on—

"If the homilies be true (and their authors sealed their truth with their blood, and raised a testimony against error which can never be overthrown), then are the priests of the Romish Church the priests of Anti-Christ—then are they the special instruments of the Devil."

I must state that the climax improves as it proceeds; but I think I have read enough to show what was the tenour of that address. Now, what was my answer? It was sent in December, 1842. This was the answer:—

"Sir—I have received your letter accompanying an address to me from the members of the Protestant Operative Association of the city of Cork. I am sorry that they feel themselves called upon by their duty to their God to express uncharitable sentiments in offensive language."

Have I shown to the right hon. Gentleman what was my feeling on this subject? [Mr. *Sheil:* I said I was sure this was not your feeling.] Yes; and I am trying to confirm your opinion. I thought I made them rather a sharp answer. I must in justice say of them they certainly received it in a very becoming manner. It is but justice to them that I should read the way in which they received my rebuke:—

"We feel great pleasure in acknowledging the receipt of your letter (really it is a most charitable and becoming answer) in reply to an address of the Cork Protestant Operative Association. We feel it necessary to make a few observations, which are called for by the manner in which you have expressed yourself towards us: We first offer our warmest thanks for the prompt and gentlemanly manner in which you answered our communication. It was what we expected, and what from your universally known courteous disposition and kind demeanour, even to the humblest individual, we might have anticipated; while the reply itself has not disappointed our expectations."

Now, Sir, there was an address from the Dublin Protestant Operative Association to Her Majesty. [Mr. *Sheil*: Was that subsequent to your answer?] Yes. This was transmitted to my right hon. Friend (Sir J. Graham), with a request that he would lay it before Her Majesty. I hold in my hand the answer of my right hon. Friend the Secretary of State for the Home Department to that address. I really had better not read it. He says:—

> "I will not comment on other passages in the address; but I find the expressions 'millions of factious Irishmen,' and the general expressions of that address, if not intended to be insulting, are, at any rate, so open to misconstruction, that I cannot be a party to laying the address before Her Majesty."

Now observe, that was in the year 1842; and I do think that these things are indicative of the spirit in which we were desirous of administering the Government of Ireland, and that we were content to relinquish support rather than to gain it by fomenting jealousies. Sir, I come now to the conduct of Her Majesty's Government in respect to the recent Trials. We took office in September, 1841, and up to March, 1843, there appeared certainly no great dissatisfaction with the manner in which the Government was conducted. As I have shown you, we had been desirous of abating religious animosities; we had done what we could to rebuke attempts at offence or insult to the Roman Catholics. You charge us with a desire to govern Ireland by military force. You confound the necessity which has led us to increase the military force in Ireland with our own disposition and wishes. Yes, I want to know who is responsible for the military force in Ireland? I want to know to whom it is owing that our expectations and hopes of presenting reduced Estimates have been defeated? I want to put that fairly before the country—before the intelligent reasoning classes of the community—to make an appeal in this House to impartial men, whether opponents or not. We took office in September, 1841. In March, 1843, so far from having evinced any disposition to govern by military force, we then had a smaller number of regular forces employed in Ireland than there ever had been before, except on one or two occasions. The total number of forces in April, 1841, when the hon. Gentlemen opposite were in power, was 14,000 men. On the day on which we took office, the last day of August, 1841, we found the force in Ireland to be 14,843 men. On the last of September, after we were in office, the force was 16,267 men, and in March, 1843, there were 13,900 men; the number in September, 1841, 16,267 men, having been reduced in March, 1843, at the commencement of these troubles, to 13,900. That shows no disposition on our part to govern Ireland by military force. In March, 1843, began this systematic agitation. Was that in consequence of any act of the Government? Were we charged with any injustice—any undue partiality? No; but my belief is, that it did not suit the purposes of some that the Government of Ireland should be successful. It was, therefore, determined to have recourse to agitation. There were also at the time other causes of excitement. The Poor-rate imposed by an Act supported by and perfected by the noble Lord (Lord J. Russell) began at that time to be levied, and through many parts of Ireland, occasioned great dissatisfaction. That Act was most unfortunate, for it subjected every occupier, whatever might be the value of his holding, almost without exception to the Poor-law. There were thousands of instances in which people in the west of Ireland were called upon to pay a rate—some of three farthings, and some of more. This occasioned great dissatisfaction. It became our duty to remedy, I will not call it the negligence, but the unfortunate mistake made in drawing up that Act. [Lord *J. Russell:* That mistake was adopted by the present Government.] Yes; and the noble Lord shall hear no more from me on that point. I shall not endeavour to repay him in the coin he offered to me. Henceforth, there shall be no more recrimination. That Act subjected the poorest occupiers to the payment of the rate. Concurrently with that Act was a period of great agricultural depression, and there was no part of the United Kingdom where that depression was more severely felt than in Ireland. Concurrently with that depression was the alarm that the new Tariff would cause a reduction in prices, and that alarm alienated the minds of many from the Government. These things gave great facilities for agitation. The country then was in a peculiar state. There was great agitation and great excitement in the west of Ireland. Great congregations of men assembled in some parishes — not against the Government, but against the Ecclesiastical claims. In Sligo there were meetings of large bodies of men at the chapel door for the purpose of demanding a reduction of those claims. The people of those districts, and probably of other parts of Ireland, began to feel that the payments to their Priests were exceedingly oppressive —at least so they were disposed to represent them—and they took such measures as might be expected from persons in such circumstances. There was, at this time, as I have already said, great distress, and the resistance to the demands of the Romish

Priesthood becoming formidable, the agitation for the Repeal of the Union was set on foot. We deeply regretted that agitation; we did all in our power to discourage it; but when it arose, we lost no time in determining upon the mode of meeting it. There was nothing in the mode that we resolved to adopt which at all laid us open to the charge since brought against us of having encouraged those meetings, or at least of having avoided to discourage them with the view of entrapping eminent men into a violation of the law, and then turning on them, and subjecting them to its penalties. I declare here publicly that that charge is utterly destitute of any foundation. There was one thing on which we determined from the first, and that was not to apply to Parliament for any new powers. I declare, after my long experience in public life, there is nothing I deprecate more than an application to Parliament for extraordinary powers. I do not think there is anything that has a greater tendency to impair the real efficacy of the ordinary law, than suddenly to take it into our heads that it will not be efficacious, and, listening to some appeal, founded on local alarm, to procure some Bill, destructive of the ordinary liberties of the subject, by surpassing the ordinary powers of the law. This I hold to be most injudicious; so far from adding to the authority of Government, there is nothing more calculated to paralyze a Government and weaken authority than a recourse to extraordinary powers. Let the ordinary law be relied upon; for if we get into a habit of listening to such applications, people by-and-bye will not resort to the ordinary law at all to suppress what they think wrong, in the hope of driving the Government to extraordinary measures. With such feelings as these, we made up our minds, whatever the risk, to take the chance, relying with confidence upon the inherent vigour of the ordinary law. It is not as a matter of reproach to them, but in justice to ourselves, that I remind the House that our predecessors in office did not pursue this course. There was the same agitation in 1833. The noble Lord, in reviewing the conduct of public men, asked that we should begin the consideration of his own, at a very convenient date for himself, namely, in 1835, just at the very time when he formed that compact with Lichfield House. The noble Lord says, "I claim the right to review your lives without any such restriction;" and the noble Lord goes back to the year 1829. The noble Lord says, "Look at all your pledges from that time, it is impossible for you to do anything for Ireland at variance with those pledges: but at the same time," says the noble Lord, "let me be exempt from any reference to that part of my life, from the year 1831 to the year 1835. That part of my life," says the noble Lord, "must be exempted from your notice." I shall, on my part, beg leave to trace back the noble Lord's proceedings somewhat beyond the period he has himself selected as the limit of that zone of his political life to which he wishes to confine us, and refer to some matters occurring between 1831 and 1835. I have observed, that the late Government did not feel that reliance upon the ordinary powers of the law upon which we have acted. The House cannot have forgotten that the noble Lord was in office during that period, that Lord Althorp was the colleague of the noble Lord opposite, and that then an Irish Coercion Bill was introduced into this House. You, who tell us, who charge us with having acted with supineness at the beginning, and unnecessary vigour at the close — you were not content to take the course we have taken, or to rely on the force and operation of the ordinary laws; but you made your demand on Parliament for additional powers, and I supported you in your demands, because you, the Government, solemnly assured us that to comply with it, was essential to the well-being of the country. I did not try to aggravate your difficulties. I entered into no confederacy with those who were disturbing the peace; and you, the Liberal Statesmen—you, the devoted, special, exclusive supporters of the rights and happiness of Ireland—proceeded to pass for Ireland what may be safely described as rather a strong enactment. Really, the noble Lord must think the House has forgotten all these matters, or he would have somewhat moderated the attacks he has been, right and left, making upon us. That Act was an "Act for the more effectual suppression of certain local dangerous disturbances in Ireland." To suppress such disturbances, the noble Lord—the friend of Ireland—thought it essential to have recourse to extraordinary powers. For my own part, I think the bolder course would have been for the noble Lord to rely on the ordinary law. The Act is, as will be seen, a very strict Act of Parliament. The Preamble runs thus:—

"And whereas divers meetings and assemblies, inconsistent with the public peace and safety, and with the exercise of regular Government, have for some time past been held in Ireland; and whereas the laws now in force in that part of the United Kingdom have been found inadequate to the prompt and effectual suppression of the said mischiefs, and the interposition of Parliament is necessary for the purpose of checking the further progress of the same."

And then the Act went on to subject all persons committing delinquencies under the Act to be tried by a Court Martial, consisting of not less than five officers. And as to signals, why what said the Act of the noble Lord? It subjected to the operation of the Act all persons guilty of making signals by "fire, bonfire, flash, blaze, smoke, or who were present at such signal making by bonfire, flash, blaze, or smoke;" and it further enacted "that the onus of proving that such signal had not been made should lie on the person charged." Such was the Act of the noble Lord—the Act which he impressed upon the House as indispensable for the safety of the country. We asked for no such Act: we all concurred in deeming it unnecessary to pass a Coercion Act for Ireland, such as her peculiar friends required at our hands; we relied upon the ordinary law, and the support of that party, Protestant and Roman Catholic, which was averse from disturbance and agitation. We determined to accept no assistance, which I am bound to say was liberally offered, from any yeomanry corps in Ireland which might have the effect of arousing a spirit of religious animosity. We could not have embodied the yeomanry corps—we could not have called them to aid the Government, without risking the engendering of animosities that it might require a great lapse of time to efface. We were determined, unless in case of the last necessity, to waive the assistance, though we thereby discouraged and dispirited many of those who were ready to support [illegible] Our only reliance was on the ordinary powers of the law, energetically but prudently exercised. The charge that you make against us is, that we were supine and inactive, and that we first entrapped those men into the commission of crime. Now, to that charge I give a peremptory denial. But, it is said, we issued no Proclamation in time. To this I answer, that we did give a public expression of our views as regarded this agitation for the Repeal of the Union. At the end of last Session, Her Majesty expressed her disapproval of that Repeal Agitation. You say we issued no Proclamation on the subject, but I ask what Proclamation could have been stronger than that declaration of Her Majesty's disapproval of the agitation which was then going on in Ireland? In what more emphatic terms could that disapproval of the agitation have been expressed than it was expressed at the Prorogation of Parliament? Her Majesty, in Proroguing the Parliament last Session, said:—

"I have observed with the deepest concern the persevering efforts which are made to stir up discontent and disaffection among my subjects in Ireland, and to excite them to demand a Repeal of the Legislative Union."

Her Majesty added:—

"I have forborne from requiring any additional powers for the counteraction of designs hostile to the concord and welfare of my Dominions, as well from my unwillingness to distrust the efficacy of the ordinary law, as from my reliance on the good sense and patriotism of my people, and on the solemn declarations of Parliament in support of the Legislative Union. I feel assured that those of my faithful subjects who have influence and authority in Ireland will discourage to the utmost of their power a system of pernicious agitation, which disturbs the industry and retards the improvement of that country, and excites feelings of mutual distrust and animosity between different classes of my people."

That was the Proclamation of the Crown with respect to the Repeal agitation; and, as Ministers of the Crown, we felt it to be our duty to dismiss those Magistrates who took part in that agitation. Was not that a sufficient indication of our opinion? But we went further: we dismissed the Magistrates who took part in the Repeal agitation: and I ask was that no significant expression of our opinion on the subject? But we are blamed for having dismissed them without any previous Proclamation on the subject of the meetings. I believe the noble Lord opposite considered himself entitled to dismiss Frost, whom he had made a Magistrate, because he was a Member of the National Convention, without having given any Proclamation previous to his dismissal. The noble Lord wrote to Frost to know if he were a Member of the National Convention whom he had appointed a Magistrate. The noble Lord at first thought the answer of Mr. Frost satisfactory. But Mr. Frost made a comment on the noble Lord's letter, and Frost was dismissed for attending those meetings, at which violent and inflammatory language was used, although the noble Lord did not prosecute those who attended them. We dismissed the Magistrates who took part in an agitation which we believed was calculated to endanger the peace of the Empire and to sever the two countries, and we gave these instructions to the Lord Lieutenant of Ireland:—

> "The moment you are entitled by law to interfere with meetings that endanger the public peace, that moment we authorize and desire you to do so."

I state this to show that the charge against us, that we remained dormant, with folded arms watched the progress of these meetings, is utterly without foundation. Our intention was clearly expressed, that whenever the law enabled and required us to interfere, then we would do so. But at first these meetings were not considered illegal, though there were great doubts of their legality. Separately taken, they were not considered illegal. Suppose, then, we had issued a Proclamation, while these doubts yet existed, to disperse these meetings by military force, and there should have been resistance and bloodshed, and homicide had ensued, in what a position should we have been? But there were occasions in the progress of these meetings when there did appear a possibility of interfering in conformity with the law. There was a great meeting at Cashel on the 23rd of May. We wrote to the Lord Lieutenant that we had received alarming accounts as to that meeting, and we directed him to send down to the Lieutenant of the County to confer with the Magistrates, and if affidavits were made by respectable and trustworthy persons, that they apprehended danger to the public peace and safety, they were then to interfere. There was great doubt whether, without affidavits of that nature, there could be any reason for interference; and we said, let the affidavits be voluntary; do not hunt them out in order to warrant interference; but, if trustworthy men of firm minds come forward and testify their alarm at the numbers that are expected at the meeting, and the military organization of the people, in that case we advise you to interfere. My right hon. Friend (Sir J. Graham), wrote and said:—

> "We held a Cabinet to day, and the Lord Chancellor and the Law Officers were present. The statements of ——— and ——— in the absence of depositions and of official information, are too vague to form the groundwork of a safe decision, much less of a positive instruction. We think that you should direct the Lieutenant of the county to repair to Tipperary without delay; to consult the Magistracy and resident gentry; and to ascertain, as far as possible, the probable character and numbers of the intended meeting. If these inquiries should satisfy the Lieutenant that the apprehensions are not exaggerated, and that Processions of large multitudes from distant points, with bands and banners, may be expected to flock to the meeting, thereby creating reasonable alarm in the minds of firm and trustworthy men, these statements should be supported by affidavits to be transmitted to you without delay; and in concert with the Lord Chancellor and your Law Advisers, it will then be safely open to you to issue a Proclamation warning the public of the apprehended danger, and calling on all loyal subjects to abstain from attendance, and from giving any countenance to such an assembly. On a careful consideration of the affidavits in the case supposed, you must determine whether it may not be prudent to prevent the assembly by occupying the ground, and even by dispersing it, if they persevere, after notice, in coming together. This last step should be avoided if possible, since it may lead to a serious collision and loss of life."

That was the course which we took with regard to a meeting at which it was supposed that interference might be called for. There was to have been another meeting, at which we had every reason to expect that, had it taken place, there would have been a collision between the people and the military, and these are the orders we gave that the meeting should be prevented: this is an extract from a letter dated the 18th of May:—

> "But the most important subject is the intended Repeal Meeting at Enniskillen, summoned by the Roman Catholic Priest, to be held in the Chapel Yard. There can be no doubt whatever, that such a meeting in that place, in present circumstances, would lead to a most serious affray. It is the duty of the Magistrates, if there be affidavits deposing to apprehension of danger, to transmit them to the Castle; and to me it is clear that, if these affidavits set forth the just apprehensions of firm and reasonable men, the Government is bound to interpose and to prevent the assembly. Whatever the event may be, law is on the side of the Authorities, which seek to preserve the public peace."

Why did we not interfere then with that meeting? Because, in consequence of the peculiar circumstances, those who intended to hold it decided on not meeting, and accordingly it did not take place. A meeting was held at Clones, in the county Monaghan, at which a life was lost, and a meeting was afterwards to be held at Dungannon, at which a collision was apprehended. Well, did we want to provoke a collision? Were we mad and wicked enough to wish to see bloodshed? Badly as you think of us, we wished to be forbearing; we wished to avoid a conflict; we wished to prevent a collision of physical force; we saw thousands and tens of thousands of men, organized and assembling together, obedient to the commands of the leaders, and acting in concert together. Still, while all was peaceable, while there was no apprehension of danger, we determined, if possible, not lightly to interfere —not to issue out a special Proclamation—not to call for the interference of the military. But when actual danger was apprehended from the calling of various meetings, then we felt it our duty to interfere and to prevent such meetings as were pregnant with danger from being held. A meeting was to be held in the North of Ireland, at which it was anticipated there might be just cause of alarm as to its effect on the public peace. That meeting was to be held at Dungannon, and we gave orders to have care taken to prevent any collision, but the meeting was not held, and any interference was therefore unnecessary. I stated that if affidavits were made as to the chance of a collision or danger to the public peace, by persons capable of forming a correct opinion, then the authorities ought to interfere, but they ought not to interfere on vague intelligence. Why did they not interfere with respect to the meeting to be held at Dungannon? Because the Repealers did not hold their intended meeting at that town. We made no parade of the intention to interfere, in order to prevent a collision, and the good sense of the people prevented any riot or collision. Have I not now satisfied the House, that there was no covert design on the part of the Government to entrap men into the commission of crime? We witnessed, it is true, the attempts made to keep up the agitation, but we had hopes that it would subside; but the Irish people, with all their good qualities, are a mercurial people, and liable to be excited by such appeals as were made to them, and we accordingly took those precautions which you now consider proofs of a design to govern Ireland by a military force; but we were most desirous to avoid any necessity for resorting to force to prevent any of those meetings. When those meetings assumed a dangerous character, it was necessary to interfere. I am trying to make no comments that are not absolutely necessary; but what friend of peace would advise a meeting in the county of Tipperary, and would choose as the day of meeting the Anniversary of the Irish Rebellion—a meeting to be called in a county in such a disturbed state, and in which soon afterwards was perpetrated the most horrid tragedy to be found in the records of crime —the murder of Mr. Waller—who, I say, would advise hundreds and thousands of the people to be invited to hear inflammatory speeches, and that the day selected for such a purpose should be the Anniversary of the Irish Rebellion? And what were the scenes selected for these meetings? The Hill of Tara, the Rath of Mullaghmast, Clontarf—these were the spots that were selected; and every appeal was made by some to revive the bitter animosities of barbarous times, to throw back the tie of civilization, and to evoke the bitter spirit of former times, which distinguished and exasperated the different races that prevailed in Ireland. Look at the days that were chosen for these objects. Look at the scenes which were selected for the meetings, and I ask you is there not evidence—as far as anniversaries of days and places can furnish evidence—of a conspiracy to effect a legal object by illegal means—not by the present use, but by the display of physical force? Well, but you say, "Why did you interfere at all at Clontarf?" Sir, those who act with forbearance are always liable to that taunt. You forbear from acting, and when the necessity for acting arises you certainly expose yourself to that imputation. Having forborne so long, why did you act then? We interfered at Clontarf on this account—Clontarf was the second meeting in the Metropolis. There had been a previous meeting in Dublin. Clontarf followed on the meetings of Tara and Mullaghmast. Clontarf had this distinguishing character, that there was a military array. The Repeal cavalry was invited to be present. I apprehend that cavalry are hardly necessary for the purpose of petitioning. The cavalry were invited to attend under a Proclamation which formed them as a military body. Military terms were made use of, and that Proclamation issued from the Corn Exchange. [Mr. *E. B. Roche.*—Not from the Corn Exchange.] The first Proclamation came from the Corn Exchange. [Mr. *E. B. Roche.*—The second did, not the first.] I beg the hon. Gentleman's pardon. I am pretty well versed in these documents, and I think I am correct in stating that the first Proclamation came from the Corn Exchange. The hon. Gentleman says only the second Proclamation issued from the Corn Exchange; but I have the most confident belief that the first Proclamation issued from the Corn Exchange too. There is the same proof that the first issued from the Corn Exchange that we have as to the second—both are dated from the Corn Exchange. I think I am right in what I state. The Proclamation says—

> "All mounted Repealers are to muster in the open ground, and to form into troops, each troop to consist of twenty-five horsemen, to be led by one officer in front, followed by six ranks, four abreast, half distance, each wearing wand and cockade, distinguishing the number of his respective troop. The Committee will meet at the Corn Exchange, every day in the ensuing week, from four to five o'clock. (Dated Corn Exchange, September 13, 1843.")

But it is asked why we proceeded in this case when we had issued no Proclamation to prevent the previous meetings? Because having consulted the Lord Chancellor of England, having consulted the Attorney General, and the Solicitor General, we put this question—"independent of affidavit, does this summoning of a meeting in military array, and with military organization, of itself constitute an illegal meeting, because if it does, we are then determined to interfere by Proclamation?" The answer was, that that one particular individual meeting did differ in its character from the meetings of Cashel, of Mallow, and others; that that meeting, not on account of its numbers, but on account of its military character, was in itself illegal, and the Government was warranted in issuing a Proclamation. We then resolved on issuing a Proclamation. The circumstances under which that Proclamation was issued have already been fully explained to the House, and I shall not again travel over them. We lamented the shortness of the notice, but if we attempted to interfere with that meeting, the shortness of notice was inevitable. It is said we did not issue the notice till late in the day. It is said we did not issue it till five in the evening, when it was too dark to read the Proclamation, I have here the Counter Proclamation—and, which is a matter of great importance, I refute that statement by a reference to this document The Counter-Proclamation of Mr. O'Connell is dated Saturday, October 7, 3 o'clock, p.m., and this Counter-Proclamation begins by stating,

> "Whereas there has appeared, under the signature of 'E. B. Sugden,' a paper being, or purporting to be, a Proclamation," &c.

Now, observe, this Counter-Proclamation is printed and dated Saturday, 3 o'clock. There was, therefore, time to print this Proclamation after they had seen the Proclamation which was issued by the Government. I lament the shortness of the notice, but don't, for the purpose of aggravating the charge against us, depart from the facts, and make the notice shorter than it really was. We determined, therefore, to disperse the meeting at Clontarf, or rather to occupy the ground, and make such a demonstration as would prevent the meeting taking place, giving the earliest notice, and taking every possible precaution to prevent the possibility of collision. We determined also, after the notice given by the declaration of Her Majesty at the close of last Session, by this Proclamation, and after the notice given by the dismissal of Magistrates—we determined to prosecute the parties who had been instrumental in causing these meetings to be held, and adopting these acts—we determined to prosecute them for that conspiracy of which we conscientiously thought them guilty. The right hon. Gentleman asks, why did we not prosecute the printers. My hon. Friend has given the answer. We might incarcerate the printers, but even where the name of the author of the seditious paper was attached to it, there were no means of getting at the author. Printers had been prosecuted before, and Government was covered with ridicule for not striking at the causes of the danger, but contenting themselves with the punishment of the mere instruments. Sir, I ask the House to put together these facts—the references to the United States—the publication of the speeches which the son of the President thought it decent to make—the declaration of the son of the chief executive officer of the United States, that "the libation to freedom must sometimes be quaffed in blood." I ask you to bear in mind that these newspapers were not individual publications, and unconnected with the parties to this offence which we call conspiracy. The reason why we read the extracts from newspapers, and made the defendants responsible for those newspapers, was this—that they belonged to an association which undertook the circulation of them—that those newspapers contained appeals to the Army—that they contained appeals to every prejudice which could be raised in the mind of the Celt against the Saxon. I ask you to bear in mind the scenes chosen for the meetings, for the express purpose of reminding the Irishmen attending them of events in past history which you cannot reflect on without the deepest lamentation —bear in mind that the 23rd of May was chosen as the anniversary of the Irish insurrection—remember the songs that were distributed and introduced by some, I know not by whom, into the barracks of the troops. Who was responsible for circulating such songs as this?—

> "Who fears to speak of 'Ninety-eight?
> "Who blushes at the name?
> "When cowards mock the patriot's fate,
> "Who hangs his head for shame?
> "He's all a knave, or half a slave,
> "Who slights his country thus;
> "But a true man, like you, man,
> "Will fill your glass with us."

Can you mistake what the object was of the studious circulation among an inflammable people of songs like this? Who are the really responsible parties? The printer who printed them? Was it not he, whoever he may be, who belonged to an association which had officers, subordinate officers, whose duty it was to circulate the newspapers containing such songs and appeals, because of the subscriptions they received? Should we have been justified, in the state in which the country was, in refusing to appeal to that which was our only instrument—the ordinary law of this country—for the repression of such proceedings? I will not enter into the subject of the trials themselves; the House must be completely exhausted on that topic. We determined to appeal to the law. We did appeal to it. I declare that it was far from our wish that the Jury should be constituted on any other principle than those which are consistent with public justice. Our advice was, "Don't strike off a Roman Catholic in his capacity of Roman Catholic," thus acknowledging the perfect equality between the Roman Catholic and the Protestant. We appealed to the law. We succeeded in proving that the offence charged was within the law. It is impossible, certainly, to satisfy those who object to our course. The right hon. Gentleman opposite says, you have only convinced us that there should have been no prosecution. We had only one instrument; we had no Coercion Act. We determined not to avail ourselves of the Protestant feeling existing in Ireland; but we had only the Common Law; and then, when we use that instrument, you turn round upon us, and you charge us that upon us rests the responsibility of all these affairs, as promoting the discontent which we would suppress. But was, I ask you, the country in that state that you could forbear? You charge us with seeking to govern Ireland by military law. See, you say, how the Army has been increased by 7,000 men. Let me now put the House in possession of the state in which the country was placed by this continued agitation. In the South of Ireland, night after night there appeared the most extraordinary display of signal fires on every eminence in the country. Here are some of the accounts we received. On the 20th of October, 1843, the account I am about to read is dated from the county of Tipperary.

"Last evening, about eight or nine o'clock, the hills in this part of the country, through nearly an entire district, were lighted simultaneously, and they continued so for nearly an hour. We have not ascertained the object of these fires, but they seem to be in connexion with the Repeal movement. Much excitement prevails, particularly amongst the Protestants, many of whom congregated at my quarters next the police-barracks in self-defence. However, the night passed quietly by."

Another letter from Tipperary describes a similar state of things, and adds,

"We could hear the shouts of the people. The Protestants of the town and neighbourhood are in great alarm, fearing that the town will be attacked. About ten young men armed themselves, and came to the police-barracks, in order to render assistance."

From Galway there were the same accounts. One letter says,—

"Last night there were more signal fires, and in the adjoining counties of Clare and Tipperary. We could hear the blowing of horns and the shouts of the people. Candles were lighted in all the houses in Woodford, except three, and the inhabitants thought an insurrectionary movement was about to take place."

Sir, were these things for the purpose of petition? Were not these things the result of that fearful system of agitation which left us at last no alternative, if we wished to prevent collision and insurrectionary outbreak, but to appeal to the only instrument left to us, and to call on the chief movers of the agitation to answer to their country for their conduct? We preferred the charge—not lightly, as I have shown—not, as I have shown, having trapped the parties into the offence; we preferred the charge under the ordinary law—under the same law in which you prosecuted Vincent, under the same law to which you appealed when you read newspapers that had been published at a previous period, and made Vincent responsible for their publication. We charged those persons under the law of conspiracy, because we did not wish to proceed against subordinate agents; we proceeded against those who told us that our "do-nothing" policy would not do—who declared that the Queen had the power to Repeal the Act of Union—who boasted that they would drive a coach and six through all our Acts of Parliament—that they would evade and defy the law. We stepped forward, not in consequence of these taunts, but because of the state of the country, brought on by this pernicious agitation; we went to the Court and asked whether such proceedings were tolerable in a country where Civil Government prevails. The Bench were unanimous in their opinion as to the law, the Jury brought in a discriminating and considerate verdict, and the parties charged were convicted of the offence laid in the indictment. We have done this without coercion, without appealing to the excited and irritated feelings; and having done this, and having at least succeeded without the effusion of blood, without conflict, without collision, then comes a powerful party in this House to arraign us for the course we have pursued. The whole indignation of that party is directed against us—sometimes for our forbearance, sometimes for our vigour. Wise after the result, every step we have taken during this painful and anxious effort to maintain the law by the ordinary powers of the law—every step, I say, is now tracked with the sagacity of party, to fasten on some little error or mistake—to charge us with being reckless of life—to allege against us an indifference to liberty, and a desire to govern Ireland by the sword instead of by the law. If we had taken some other course—if we had been too precipitate in our interference—if we had dispersed a meeting when we were not legally empowered to do so—if we had charged illegality as against a single individual meeting, and had failed to prove it—had we selected some poor printer and shut him in gaol—had we done either or all of these things, I appeal to the House with what very different sounds, with what very different accusations, would these walls now have been ringing. You would have told us that we had interposed without a necessity—that we had evinced a desire to interfere with the right of petition—that we had not the courage to select the favourites of the people—that we had pursued the unmanly and paltry course of inflicting vengeance on a printer. But we had the courage to face the difficulties of the case, to apprehend and bring to trial the powerful among the leaders of the people. Sir, I must say, in the face of the country, that in repressing this agitation we have had no assistance whatever from the other side. At the same time, I can say with perfect truth, that you (addressing the Opposition) know what it is to be exposed to the same painful trials. You have had organized meetings against the public peace; it has been your fate—your painful fate—to have had to deal with the fires at Bristol, the attack on Newport, and the insurrection in Canada. If you had then found a powerful party ranged against you,—if we had taken up Mr. Papineau and espoused his cause—I beg pardon, you took him up,—if we had watched all your proceedings in Canada,—if we had brought forward a Motion inculpating you, when the Grand Jury ignored the Bills, and you sent *ex officio* informations against the disturbers of the public peace,—if we had tracked you at every step, expressing a faint disapprobation only of the "hardly justifiable conduct" of men engaged in the cause of liberty;—had we done these things, then, let me tell you, you would have found it a much more difficult task than you did to vindicate the law, and protect the authority of the Government. Sir, this is the defence which I offer on the part of the Government—for our forbearance at first—for our determination to make use of no other instrument than the law—and for our application of the law, when considerations of the public safety left us no alternative but to pursue a course of repression. Sir, I have still to make some observations on that which will be remembered, when these party conflicts shall have been forgotten. By far the most important part of this great question is the policy to be hereafter pursued towards Ireland. Sir, I do not hesitate to declare, upon this occasion, that I shall consider it my first duty to consider what in the present state of Ireland—the public interests require. I shall not be driven by the fear of any taunts, or by any quotations from *Hansard*, from freely and fully expressing my opinions as to the course which should now be pursued. I should be utterly ashamed of myself if I was prevented by the fear of being charged with inconsistency, from advising and adopting any measure which I believed would be conducive to the restoration of peace, and the advancement of the general interests of the whole country. Sir, this is a comprehensive and difficult subject; it embraces the position of Ireland with respect to her physical and material interests; it concerns the civil and political rights of the people; it refers to matters connected with their religious sentiments and their religious instruction. Sir, the hon. Member for Cork (Mr. O'Connell), attached great, but not undue importance to the physical condition of Ireland; he stated, and with truth, that political grievances would be less felt if the material condition of the people were less miserable; but if his be a true representation, I wonder that when the hon. and learned Gentleman demanded an identity in the Franchise—when he claimed at least an equality of the Franchise proportionate to the amount of property and population—I wonder it did not occur to him that if wealth be taken into the calculation, supposing his statement that 70 per cent. of the whole population are involved in pauperism to be accurate, that a Franchise in exact proportion to the population would be full of danger, and involve a hazard which it would be most unwise to encounter. Sir, whatever may be our differences in other respects, in one thing, at least, we all agree, in the endeavour to improve the social condition of Ireland apart from political considerations. Sir, Her Majesty's Government gave to that subject, during the continuance of the late excitement, their fullest consideration. In the course of last Session a Bill was brought in by a benevolent Member of this House—the hon. Member for Rochdale (Mr. S. Crawford), to improve the Law of Landlord and Tenant in Ireland. I promised, on the part of the Government, that all due consideration should be given to that Bill; that promise I fulfilled: but upon reflection, we felt that the subject was so vast, and the evils connected with it so various and complicated, that no legislation upon it could be beneficial except it were founded on the very fullest information as to the actual circumstances of the case. I therefore advised Her Majesty to appoint a Commission composed of landlords in Ireland, whom I took care should be men equally distinguished for their character and intelligence as for the extent of their property. In order to shew that we wished no religious feeling or prejudice to creep into this inquiry, if our wishes had been fulfilled, the Commission would have consisted of four Gentlemen, besides the Earl of Devon, two of whom should have been Protestants, and two Roman Catholics. One of the Gentlemen, however, to whom I applied, was prevented from agreeing to my request, not from any unwillingness to forward the inquiry, but from the circumstances that his health or the calls of other duties would prevent him; and I then proceeded to form the Commission in such a way as I thought most likely to render it efficient for the object in view. I desired that the whole state of the relations of landlords and tenants in Ireland should be ascertained and made clear. It is, I am aware, a very difficult question. A very strong, and I do not hesitate to say, a very unfair and unjust prejudice exists against the whole class of landlords in Ireland, as though they were of a different class of men, and actuated by different motives and feelings to the landlords in England, no account being taken of the peculiar and unfavourable circumstances in which they were themselves placed with regard to their property. I thought it better, therefore, that we should institute an inquiry into the state of those connected with land in various parts of the country, rather than depend upon the information received casually from particular districts; as for instance, in some parts of the North, where the condition of the tenant is said to be an improved and improving one. Above all things, I thought that this inquiry would do good, by bringing to light the conduct of landlords, and so restraining them from the habit of perverting the law to do wrong. I thought it would be of use to bring to light and contrast the conduct of the good and judicious landlord with that of the harsh and overbearing landlord. In bringing all these facts to light, I thought we should be taking the best means to draw attention to the subject, and to lead to a practical amelioration of the tenantry of Ireland. The noble Lord opposite has referred to a book entitled "A Cry from Ireland." I have read that book, and it is impossible for any man to read it without being shocked at the manner in which the legal powers of the landlords are too frequently used in Ireland. The noble Lord suggests that a short Act of Parliament might at once be introduced to remedy this evil. Then why does not the noble Lord bring it in himself? Will he allow me to ask him—I do not speak for the purpose of crimination—what he has been doing for the last ten years, if legislation on this subject is so easy? Is there not, indeed, a greater danger that when altering the legal exercise of rights as they at present exist, by the interposition of a new law, you may not be incurring new evils as great as those which you so attempt to remedy? Just see how conflicting are the opinions. The noble Lord says that Commissions are dangerous. I know they are. But I have heard a good deal more said about this Commission than some others that I remember. I know the expectations which such Commissions always excite. We could not enquire into the disturbances in South Wales by means of a Commission without exciting the most ridiculous expectations. In short, it is impossible to detail the extraordinary delusive expectations which are derived from inquiries of this kind. But the noble Lord says, "I wish for a small Bill," not explaining what is to be the character of it. Now, this is exactly the course which has been adopted for the last ten years. Some Member not connected with the Government asks leave to bring in a Bill to amend the law relating to Landlord and Tenant in Ireland. The Chief Secretary for Ireland gets up and says, "This is a subject full of difficulties, but I do not object to the hon. Member bringing in his Bill." The Bill is brought in and read a first time. The second reading is moved; the Chief Secretary does not object to that, but reserves himself for the Committee. The Bill gets into Committee, and on the first Clause the hon .Member is met by ten thousand valid objections; the Bill consequently stands over, the Session closes, and nothing is done. That has been the course for the last ten years. Sir, we have done precisely this:—We allowed the hon. Member for Rochdale (Mr. S. Crawford) to introduce his Bill; we allowed it to be read a second time, and then on some Wednesday, when the Committee came on, it was inevitably postponed and laid over until the Session closed. Could it be otherwise? Is not that the way we should have been obliged to redeem our pledge to the hon. Member of giving the Bill our consideration? Then says the right hon. Gentleman opposite, "I will take the opinions of two Irishmen supposed to be particularly versed in the subject of the relation of Landlord and Tenant in Ireland." Says one of them the hon. and learned Member for Cork,

"I anticipate the greatest objections to the Landlord and Tenant Commission. There is one simple remedy for the evils of Ireland. Repeal all the laws that have been passed since the Union. That will restore Ireland to the happy state in which she was under that Parliament which was so celebrated for its purity, and integrity—the last that sat in Dublin."

This is the opinion of one of two authorities. What says the right hon. Gentleman, Mr. Sheil? He was determined to give warning beforehand.

"I understand," says he, "that you intend to interfere with the Bill introduced by that consummate master of the law of Landlord and Tenant, Mr. Lynch, who is actually a Master in Chancery. I warn you to take heed how you tamper with a law which is the *Magna Charta* of Landlords and Tenants in Ireland."

That, then, is the contradictory advice of two eminent Irish Members. One says that we must not touch the last Act which has been passed on the subject, for by so doing we shall compromise the rights of Landlords and Tenants, and he is followed by his hon. and learned Friend, who says that the only thing is to abolish every law that has been passed since the Union. Sir, I ask the House, is it not wiser to adopt that course which has met with the approbation of the very high authority of two Roman Catholic Members who have spoken in the course of this debate, in a spirit which entitles them to the highest respect—I mean the Members for Louth and Roscommon? Those hon. Members, in speeches in which was not infused one particle of party spirit, have declared their approbation of the Landlord and Tenant Commission, stating that they thought the motives of Her Majesty's Government in appointing it were honest, and that the course pursued was, in all the difficulties, the wisest course. Sir, we have been influenced by no other motives in appointing that Commission than because we believe it will form the foundation of permanent and useful legislation—protecting the rights of property, encouraging no vain expectations; but being fully convinced that we cannot probe the evil to it's bottom, except through the instrumentality of extensive local information. So much for a measure upon which we depend, not so much for the purpose of immediate improvement, as because it will lay the foundation of future improvement in the moral and physical condition of the people, so far as that is mixed up with the relation of Landlord and Tenant. And now, Sir, as to the Franchise. I have no hesitation on the part of the Government in declaring their desire that every privilege given by the Catholic Relief Bill, and every vote given by the Reform Bill should be fully and fairly exercised. I do not know what the noble Lord's opinions may be on this point. I am certain, however, it would be unwise now to disturb the relative proportions of Members fixed by the Reform Act for the two countries. But, as to the Franchise on principle I think it ought to be one of substantial equality between Ireland and Great Britain. I do not say identity—that would be impossible. I do not say nominal equality—that would be unattainable; but I cannot contend against this principle—I willingly indeed admit it —that there ought to be substantial equality of civil privileges for Protestant and Catholic, and that the Franchise should be really equal in the two countries. That there ought not to be identity nor nominal equality many even on the opposite side will, I suppose be foremost to contend; for on that side in the course of this Debate there has been the most anxious endeavour to deprecate the extension to Ireland of the "Chandos clause," it having been said that the application of that clause to Ireland would encourage landlords to refuse to grant leases for years or lives, and to require tenancies at will. I give, Sir, no opinion on that subject. I refer only to arguments used in this Debate, to show that Gentlemen on the other side do not contend for identity or nominal equality of Franchise. Nor, Sir, do I mean that in the case of any Irish Franchise which may have been abolished on account of the manner in which it has been abused, that it should be restored merely because it exists in England. But I hope I shall not be misunderstood when I say—(it is sufficient for the purposes of this Debate)—speaking of the Franchise—I think the principle on which we ought to go—I will not recur to the past on this subject; I will not be deterred by fear of taunts about Registration Bills, from freely avowing my opinion—the principle which we wish to apply is that of substantial equality between the two countries. It is enough for the purpose of this Debate, to deal with principles, and I abstain from entering into details. And now, Sir, I approach by far the most important subject connected with Ireland, namely, the course we ought to take with respect to the Established Church in Ireland. On that I will without reserve, with the same explicitness as my noble and right hon. Friends, declare my opinion; and, if the House permit me, I will state the reasons for that opinion. I find in Ireland the Protestant Reformed Religion and the Episcopal Church established in that country. I find that they have been established for a period of above 250 years, and I find that Establishment ratified and confirmed by Acts of Parliament, partaking of the nature of a solemn compact, so far as an Act of Parliament can. I believe that will hardly be denied by hon. Members on the other side. It was the intention of Parliament at the time of the Union, to give an assurance to the Protestants of Ireland and to the Protestants of this country, that the passing of the Act of Union should not endanger the existence of the Established Church, and that its endowments should be secured to it. I am stating as far as possible what were the intentions of the Legislature. At a subsequent period, in 1829, I am bound to say, the intentions of those who passed the measure of that year—of those who invited Protestants to waive their objections, and who used all their influence to combat those objections,—their intention was to give assurance to the Protestants, and if they acquiesced in the removal of Catholic disabilities, there should be a guarantee to the Established Church. Now, I must say, that so far as compacts can have force, the Union and the Emancipation Act were such compacts. Precisely the same compact was established with Scotland at the time of the Union. At that time a guarantee was given that the Presbyterian Church should be the Established Religion —or rather at an earlier period that assurance was given; but it was confirmed by Queen Anne at the time of the Union. I was rather surprised to hear the right hon. Gentleman, the Member for Edinburgh, (Mr. Macaulay) in the course of his eloquent and very able speech, advert to what took place on the Abolition of the Slave Trade, with the view of justifying our departing from the compact entered into at the period of the Union with Ireland. "Men have changed their opinions on many important points," said the right hon. Gentleman; and then he described the scene graphically, in which he said Mr. Wilberforce had "pulled down the present Duke of Northumberland when rising to propose the Abolition of Slavery." Those who recollect the relative size of the two individuals must admit the picture of the right hon. Gentleman to have been purely imaginative. And the right hon. Gentleman drew not less upon his imagination for the debate than for the description. I have referred to it since, and this is really what took place:—So far from Mr. Wilberforce abjuring the notion of the Abolition of Slavery, he said he did not press it then, he expressly said,—

> "I have never been of opinion, that slavery should not be ultimately abolished. I wished to postpone the period of Abolition until the time when the mind of the negro shall have been prepared by education for the blessings of freedom."

And this the right hon. Gentleman considers a parallel case to that of the guarantee given at the Union for the perpetuation of the Established Church! All I say is, that so far as national compacts can have force, that compact does exist for the maintenance of the Established Church in Ireland. But, again, so far as authority can go, I can refer to the highest in favour of its maintenance. I will not quote men prejudiced in favour of the Church. I will take those than whom I could not name men whose opinions you would sooner take on matters affecting the comprehensive interests of Ireland, and particularly with respect to the Church and the Catholics—I will cite the opinions of Mr. Burke, Mr. Grattan, Lord Plunkett, and Sir J. Newport. Mr. Burke, the earliest and the ablest of the advocates of Catholic claims—entertaining the keenest sense of the wrongs inflicted by the penal code, and whose speeches showed that he then maintained principles subsequently carried out, but which at that time excited little attention—Mr. Burke did not conceal from himself any part of the truth as respects the Church:—

> "You have in Ireland an Establishment which, though the religion of the Prince, and of most of the first classes of landed proprietors, is not the religion of the major part of the inhabitants, and which, consequently, does not answer to them any one purpose of a religious Establishment." "It is an Establishment from which they did not partake the least, living or dying, either of instruction or of consolation."

Therefore Mr. Burke did not conceal from himself any of the objections which are now urged against the Established Church; but at the same time he went on and said,—

> "Not one of the zealots for a Protestant interest wishes more sincerely than I do, perhaps not half so sincerely, for the support of the Established Church in both these Kingdoms. It is a great link towards holding fast the connection of Religion with the State. I wish it well, as the religion of the greater number of the primary land proprietors of the Kingdom, with whom all Establishments of Church and State, for strong political reasons, ought, in my opinion, to be firmly connected. I wish it well, because it is more closely combined than any other of the Church systems with the Crown, which is the stay of the mixed constitution. I have another and infinitely stronger reason for wishing it well. It is, that at the present time I consider it as one of the main pillars of the Christian religion itself."

Now, these are the opinions of Mr. Burke—with all the objections to the Establishment clearly before him, and placed on record by himself. With respect to Lord Plunkett, he said he would fling the Roman Catholic question to the winds if he thought the removal of the Roman Catholic disabilities would compromise the existence of the Established Church. The dying bequest of Mr. Grattan to his country was an earnest wish that the removal of the Roman Catholic disabilities might be combined with that which he thought essential, namely, the maintenance of the Protestant Church in Ireland. The opinion of Sir J. Newport was, that the Protestant Established Church, at the time he was speaking, required extensive reforms, and it was also the opinion of Sir J. Newport—a man inferior to the others in point of intellectual grasp, but not in devotion and tried fidelity to Ireland—that the Roman Catholic disabilities ought to be removed—that there ought to be perfect equality of privilege and franchise, but that the Protestant Church in Ireland ought to be maintained as the Establishment of the country. I think, therefore, I am not going too far in saying, that as far as compact and authority are concerned, they have as great weight as they possibly can have in favour of the Established Church. But it may be asked, are compact and authority to be conclusive and decisive? If we are now ourselves convinced, that the social welfare of Ireland requires an alteration of the law, and a departure from that compact, and a disregard of that authority, are our legislative functions to be so bound up, that they must maintain the compact in spite of our conviction? I for one am not prepared to contend for such a proposition. But at the same time this compact is a most material element for our consideration:—Nothing would have a greater tendency to lower the authority of Parliament than not to keep the faith you have pledged; to make these compacts, and then, within ten years, to revoke them. While I do not think they impose on you a paramount obligation, to which you are bound at all hazards and at all risks to defer, yet I do think that nothing would be more unfortunate, and nothing more prejudicial to your authority—nothing so destructive of the prospect of future legislation, as a departure from such compacts. How can you hope to persuade parts of the population of this country, having strong feelings and opinions, to relinquish them in consequence of your guarantee and assurances, unless you are prepared to maintain them, or prepared to show that there is a positive overwhelming necessity which obliges you to depart from them? I maintain the Church in Ireland not only on compact, not only on authority, but I maintain it on that higher ground which is convincing to my own mind. After the most dispassionate consideration I bring reason and conviction in aid of both compact and authority. I therefore will not defend the Church merely on the comparatively narrow ground of compact. I will not say, "I wish I could alter it, I think it is for the interest of Ireland to alter it, but I am bound by a compact." That is not my impediment. My impediment to the destruction or undermining of the Protestant Church is derived from the conviction of my own mind. I do not believe it to be for the interest of Ireland, or any portion of Ireland, that I should acquiesce in the destruction of the Protestant Church; and I will assign my reasons for this conviction. I am not now to determine what is the best condition in respect to a new state of society in which more than 7,000,000 profess a religion different from the Protestant Church, and not more than 2,000,000 profess the faith of the Protestant Church. I am not considering what is the best constitution for that society. I am to deal with a country in respect to which these compacts and guarantees exist, and with respect to which there is a prescription of 250 years—and with respect to which the landed proprietors, the great mass of them Protestants, are identified in feeling with the Established Church. I am now to consider what, under all the circumstances of this case, is the best arrangement to make? First of all, I contend for the necessity of an Establishment. I apprehend, that without infringing on the privileges or conscience of any man, I have a right to maintain this opinion. I think, with the example of Establishments in England and Scotland, and with my conviction as to what is necessary for the purpose of religion, that in Ireland an Establishment of some kind is necessary. [*Hear.*] Do not take advantage of an expression. I am now addressing myself to the first step in the argument—shall there be an Establishment or not? You say I am wrong, for that an Establishment is not necessary. You may cavil at my expression, but I am considering the great question, is it for the public interest to have an Establishment? One of my reasons for maintaining an Establishment in Ireland is because I think it important for Ireland. I think if you had no Establishment in that country you would have bitterer religious animosities. I look at the question, first, as it affects Ireland; and, next; of this I am certain, that if you establish the precedent of having no Establishment in Ireland, little time will elapse before the precedent will be referred to as a principle applicable to England. How long a period do you suppose would elapse? The other night an hon. Friend of mine, the Member for Pontefract, gave notice of his intention to move a resolution in favour of a provision for the secular Roman Catholic clergy; and immediately the hon. Member for Sheffield gave notice of his intention to move, as an amendment upon that Motion,

> "That no provision for the maintenance of the secular Roman Catholic Clergy in Ireland can be just or expedient, or will tend to the re-establishment of tranquillity in that country, unless based upon such a revision of the whole Ecclesiastical system as will place the Clergy of all religious denominations upon a footing of perfect equality."

And the hon. Member for Montrose was so impatient that he would not wait for the introduction of the Bill, or even for the discussion of the Motion; but, on hearing the Notices given, was good enough at once to signify his intention to apply the same principle to this country as his hon. Friend intended to apply to the Establishment of Ireland, and gave notice of a motion for an Address to her Majesty—

> "That she will be pleased to institute an inquiry whether the number of Her Majesty's subjects dissenting from the doctrines and discipline of the Established Churches of England, Ireland, and Scotland, are now more in number than those who belong to and attend the Established Churches; and, if so, whether

the time is not arrived when all the public property granted by Parliament for the support of those Established Churches; should be withdrawn from them, respect being had to the existing interests of the Clergy and other persons actually employed in the service of the Established Churches; and whether it will not be more just and useful to the people of this Kingdom to apply the Revenue of the Church for the purpose of educating the people, or for such other national purposes as Parliament may think fit."

If you apply this principle in Ireland it will be referred to as a rule for England; and, therefore, my opinion is decidedly in favour of an Establishment, and it is decidedly in favour of continuing the Protestant Church as that Establishment. I cannot conceive a more important question than that which will arise as to the nature of the relations between an Established Church and the State. The Roman Catholics say they will submit to no regulations. In the case of the Protestant Church—when you made it a State Establishment —when you gave it endowments — you subjected it to great restrictions. You controlled the meeting of its convocation; you expressed great anxiety regarding its authority: you displayed considerable jealousy of its acts; and you subjected it to the restraints of the law; at the same time that you also subjected it to the milder restraints of patronage, and gave to the Crown the right of preferment to its highest offices. It is difficult to estimate the influence of these circumstances over the Church. It is difficult to decide how it may have affected its position. But what do the Roman Catholics say? They tell you—If we take our endowments, we will not submit to your power. We will not be subjected to your restraints; we will refuse to concede you any control; and the appointment to our highest offices shall be vested in a spiritual, and not a civil, functionary. Said the hon. Member for Kildare the other night, speaking with great decision and much authority, if you try to interfere with our arrrangements with the Pope, if you take the course that other countries take, I tell you that your authority will not prevail—that your regulations will not be observed—that the Ecclesiastical Authorities in Ireland will rebel. That is the opinion of the hon. Member for Kildare. Will he tell me, then, what equality there can be in giving the endowments of the Church, which is now under our control, to a form of religious faith which refuses to submit to our regulations? On the part of all Churches there is a disposition to remonstrate against the exercise of the civil power—there is an impatience, a great impatience, of civil control. You have thought proper to control the Church. You have ever been jealous of those who claimed more than ordinary exemption from secular authority. In Scotland within the last two years, you have found a party in the Established Church claiming exemption from civil control, demanding to be subjected to spiritual authority only, and requiring that the boundaries between spiritual and civil control should be defined. You have not conceded these demands. What would you do with your own, the Protestant Episcopal Church, supposing she was to ask for the same immunities and exemptions now demanded on behalf of the Catholics of Ireland? Would you grant her supreme authority in spiritual matters? I am sure you would not; and I ask, therefore, what right has a Church which refuses to submit to your control to claim for itself the transfer of those privileges which now belong to a Church which submits to control? The noble Lord (Lord Howick) said, that it was an objection to Establishments that the selection of one form of worship was an insult to the professors of another faith.

Lord *Howick.*—No, no. The learned Recorder said, that he defended the maintenance of the Established Church because it rested on the eternal principle of religious truth. What I said was, that if you declared it to rest on the eternal principles of religious truth, you implied that others rested on principles of religious error.

Sir *R. Peel.*—I don't admit that as a consequence, and I tell the noble Lord at once, that I do say, that in this country a preference is given by the Legislature to the Protestant Church from a preference—a decided preference—to its doctrines. Yes, and I say more; I say that the preference to its doctrines implies no insult to those who dissent from those doctrines, and that it is extravagant to say that because I prefer my own form of religious faith, I am involved in the necessity of insulting or persecuting those who differ from me. I say, too, that as far as this objection goes, the principle of an Establishment does not depend on majorities or minorities. You may think it right to establish a form of religion on account of the majority adopting and professing that form; but the fact of your establishing that form gives you no right to insult the minority who dissent from it. Every one has a proposition on this subject, and the hon. Member for Sheffield has his. I consider the proposition of the hon. Member tantamount to a total suppression of all Churches. He proposes to divide the Revenue into three parts, according to certain proportions. He gives 70,000 to the Presbyterians, 70,000 to the Episcopalian Church, and 430,000 to the Catholic Church. I say it evinces no equality to give 70,000 to a Church which submits to your control, and 430,000 to a Church which does not. To do that would be, I think, to reverse the principle of justice. If you follow out the principle of numbers, the mere analogy would lead you to establish the Roman Catholic Church in Ireland. Is the noble Lord (Lord J. Russell) prepared for that? Are you prepared to admit those who owe their promotion to another power than the Crown to sit on the Bishops' Bench in the House of Lords? If you are not prepared to do that, you must admit that your principle of equality requires modification. What is the proposition? "On account of those difficulties which you say exist, permit us to relieve you from them and to destroy the Established Church." I must say, a more unreasonable and unjust proposition was never made. Here is a religion guaranteed by solemn Acts of Parliament, by long prescription, the Protestant religion, which is in alliance with the State, which has endowed it for 250 years. I am told I cannot maintain it, not because they want the Roman Catholic religion to be established, but because it is inconvenient that an Establishment should contain what will promote religious peace in Ireland. Do you believe it will promote mutual concord to say to the Protestants, "Civil disabilities have been removed, equality of Franchise has been granted, we now tell you we cannot maintain the Established Church any longer, and you must relinquish it?" You don't know to what extent you would then go. Would you stop with the endowments? What will you do as to the places of worship? Do you mean that you would confer religious peace on the country by calling upon the Protestants to sacrifice their endowments, and to transfer their churches to the Roman Catholics? You must do that if you adopt the principle of analogy, on the principle of the hon. Member for Sheffield. Very little, indeed, do you know the spirit you would provoke. I believe that a proposition more calculated to insure discord could not be imagined, and, therefore, I am prepared to offer just as decided an objection to the proposal of the hon. Gentleman, as I am to transfer the revenues to the Roman Catholics. There is another course that may be pursued, not to stand upon compact, not to stand upon authority, not to venture at once to destroy the Church, but to take some course for the purpose of undermining and impairing its foundations. I think that course is just as fatal as any other. I think that not to destroy life, but to infuse some slow poison into its veins, which shall ultimately lead to its destruction, is a course as little in unison with religious or social peace as any of the others. Therefore I come to the conclusion, founding myself upon compact, upon authority, and upon the conviction of my mind, that the best course—and the course which I, for one, as far as my humble powers can be exerted, will pursue—is to maintain in its integrity the Protestant Church. When I say in its integrity, I do not mean to exclude all such reforms as may increase the efficiency of its Establishment for the purposes of the Church; but I do mean that I will neither consent to the overthrow of the Church, to the establishment of three forms of religion in Ireland, to the division of the revenues between Protestant, Presbyterian, and Roman Catholic; nor can I consent to any of those similar devices which mean nothing, if they do not mean the ultimate destruction of the Church. I have stated, therefore, the grounds on which I propose to act with respect to the religious Establishment. Does that compel me to exclude altogether from consideration the position of the Roman Catholic Church? Am I to consider that Church altogether as an outcast, and to refuse the consideration of any regulations which may improve its condition? Endowment from the State you absolutely reject. We have been assured that the voluntary endowment by individuals might be provided for without any violation of conscience, and would be considered as a great boon. The noble Lord, the Member for Tiverton, threw out that suggestion in the course of last Session. The noble Lord, if I mistake not, declared opinions as to a Protestant Establishment little different from what I have stated; but at the same time he said he was prepared to treat the Roman Catholic religion with every consideration compatible with the maintenance of the Establishment. He desired us in a friendly spirit to consider whether there could be any objection to permit voluntary endowment by individuals, Protestant and Roman Catholic, for the purpose of making a provision for Roman Catholics. We professed our readiness to consider the subject, and the moment we profess our readiness to consider it, we are met as usual by the declaration that it will not be of the slightest advantage, unless brought forward by the right hon. Gentleman opposite! Certainly we undertook to consider it, and I believe there were many landed proprietors, Protestant as well as Roman Catholic, who would have been disposed, for the sake of promoting peace, for the purpose of improving the condition of Roman Catholic Ecclesiastics, to make a voluntary provision for endowment. The absence of such endowment used to be dwelt on as a great grievance. In a work which must be familiar to the right hon. Gentleman, "*Scully on the Penal Laws*," he describes the state of the law as to charitable endowments:—

> "It is, therefore, not too much to affirm," he says, "on a view of all the circumstances, that no person can safely give or grant any land, money, or other property, to or for the permanent support of any Catholic Priest, house of worship, school, or charitable edifice, or foundation of any charitable description, subject, as such donation must be, to serious doubts and difficulties. That these donations would be diverted to Protestant institutions, directly contrary to the donor's interest is a prospect sufficiently discouraging to deter every person from making them. This may be taken to amount to actual and positive prohibition."

The actual and positive prohibition we are willing to remove, accompanied with such securities as may prevent abuse; and certainly I am surprised that our proposition should in this debate have been met in the manner in which it has. We persevere, however, in our intentions, and are perfectly prepared to consider the means. There only remains the subject of Education. I must refer to the course which we have taken on the subject of National Education as sufficiently indicative of our determination to adopt those measures which we believe to be for the welfare of Ireland, even at the risk of offending many of our countrymen. We propose, in the present year, to make a considerable increase to the grant for National Education. I should be very sorry to refuse to consider the means of still further increasing the Revenue. It has been suggested that instruction in the science of Agriculture might be usefully given in Ireland, and grafted on the present system of National Education. I should be sorry to exclude the consideration of matters of that sort; I should be very sorry to exclude the consideration of the means of providing some system of academical education for higher classes than those educated in the National Schools; but for the present we intend to give an increased vote; to a considerable extent, for the purpose of National Education. I have now completed what I had to say, and I thank the House for the indulgence. I trust they believe I have only trespassed upon them at such length in the performance of a public duty. I have stated our general views of the policy and of the measures which we propose to adopt. In themselves they may not be immediate and effectual remedies for the evils under which Ireland labours; but I trust at least I have said enough to show the spirit in which the Government is prepared to consider the question of Irish Legislation. I was reminded by the hon. Gentleman, the Member for Shrewsbury, in the course of the very able speech which he made the other night, a speech not the less to be admired because it departed from the ordinary routine of Parliamentary eloquence, and touched on more comprehensive and general views,—I was reminded by him of a declaration which I made, that I thought Ireland was a subject of too much importance to be sacrificed to our party feelings. I say, and say with perfect truth, in a friendly and not in a hostile spirit, that if any Gentleman, however attached to the party of the Government, should consider that the state of Ireland requires more efficient remedies than we are prepared to adopt, should consider that we are not the instruments by which good can be effected in Ireland—I say, and say it with perfect truth and sincerity, that I think this is a subject of such paramount importance, that all ordinary party considerations should give way, and that any Gentleman who thinks that by a vote hostile to the Government, he will be promoting the permanent welfare of Ireland, I give my opinion that in that vote he would be justified. I declare, for myself, that upon that opinion I would act, that I would make no sacrifice of judgment, no sacrifice of conscientious feeling to party purposes or personal ambition, where the welfare of that part of the Empire is concerned. I think I may say, I have some right to hold that language, I have made sacrifices before for the purpose of restoring peace to Ireland, the least of which was the loss of official power. I have encountered reproaches, the more bitter, because they came from friends and not opponents. I suffered the loss of private friendship and the alienation of private esteem. Why am I not at this moment the cherished representative instead of the rejected candidate of the University of Oxford? When we proposed in 1829, the removal of the Roman Catholic disabilities, the loss of office was a mere secondary consideration, and in the hope of securing peace in Ireland, I sacrificed that which was the greatest distinction I ever aspired to—the representation of that honoured institution where I had slaked the thirst of early ambition. I am asked whether I consider the present state of Ireland satisfactory. I confess that I consider it any thing but satisfactory. But I certainly hope that Civil Government, without resorting to the use of military force, may be maintained in that country. While we retain office, we will maintain the law. We will exert all the authority and power of the Crown—at least we will advise its exercise, and exert the authority of the law temperately, firmly, and moderately—for the purpose of resisting agitation. We hold ourselves not responsible for the increase of military force. We deprecate the necessity for it. We only applied it for the purpose of averting calamities of which we were not the authors. But, having done this, I am bound to admit that this is, I think, an unsatisfactory tenure of power. Our policy has been to maintain peace, to restore friendly relations with great powers, and to increase commerce. We have succeeded in improving the revenue, in restoring the balance between income and expenditure. We have witnessed with the highest satisfaction the gradual improvement of trade, and we trust the revival of prosperity in the commercial and manufacturing districts will be permanent. But at the same time, we cannot but confess, that with this *intestinum et domesticum malum*—this unfortunate condition of Ireland—we cannot look upon the picture with unmingled satisfaction. I trust, however, that that alternative which party suggests—that we are unable to govern Ireland except by force—I trust and believe there is no foundation for that assertion. If indeed party influence be exercised for the purpose of making Ireland ungovernable, it may possibly succeed; but without the exertion of such party influence, I do not believe that it is impossible to govern Ireland by the ordinary rules by which a country should be governed—with a continuance of the principles which we have always professed. Sir, I see much cause for entertaining bright hopes for the future. By the wonderful applications of science, we are about, I trust, still further to shorten physical distance. I should not be surprised if, even during my own life-time, we are able by its aid to bring Dublin nearer to London than many towns in England now are. I shall not be surprised, seeing the rapid improvement in science, and in the application of machinery—I shall not, I say, be surprised, if the interval between London and Dublin shall be shortened to twelve hours. You have prospectuses before you, some drawn up by eminent engineers, which contemplate the shortening of that interval to fourteen hours; and my own belief is that with the progress of improvement the interval will be still further reduced. I cannot help thinking, too, that there is in the higher classes of society a growing disposition to obliterate old partizanship—to forget all animosities. I never hear a debate of the present day upon the state of Ireland, and compare its tone and spirit with those which animated the old debates upon the same subject, without marking the prevalence through the House of a strong disposition to forget differences of opinion, and to obliterate the recollections of the effect which these differences produced. From this side of the House feelings are frequently expressed favourable towards Ireland, and they are met on the other side by many Roman Catholic Gentlemen in a spirit corresponding to the temper in which they are uttered. I do earnestly trust that the influence of public opinion, as well as that of the law, may control this agitation—may convince those who are concerned in it, that they are prejudicing the best interests of Ireland—impeding its improvement—preventing the application of capital—and hindering the redress of those grievances which can, I think, be better redressed by the application of individual enterprise, than by almost any legislative interference. Sir, I have the firmest conviction that, if there were calmness and tranquillity in Ireland, there is no part of the British dominions which would make such rapid progress as that country, for I know that there are facilities for improvement—opportunities for improvement, which would make that advance more rapid than that of any other part of our Empire. Sir, I do hope,—and I will conclude by expressing that earnest hope—that this agitation and all its evil consequences, may be permitted to cease. I should rejoice—in whatever capacity I may fill, I should consider it the happiest day of my life—when I see the beloved Sovereign of these realms fulfilling the fondest wishes of her heart—of that heart so full of affection to all her people, but mingling that affection with peculiar sympathy and tenderness to Ireland—I should hail the dawning of that auspicious day, when she could alight like some benignant spirit, on its shores, and there lay the foundations of a temple of peace; when she could, in accents which, proceeding from the heart, speak to the heart, rather than to the ear; when she could call on her Irish subjects, of all classes and of all denominations, Protestant and Catholic, Saxon and Celt, to forget the differences of creed and of race, and to hallow that holy Temple of Peace, of which she laid the foundations—to hallow it with sacrifices, still holier than the sacrifices by which the temples of old were hallowed—to hallow it by the sacrifice of those evil passions which dishonour our common faith, and prevent the union of heart and hand in defence of our common country.

Sir *Valentine Blake* moved, that the Debate be adjourned. The hon. Baronet attempted to address the House, but the House would not hear him. He concluded by moving, that the House do now adjourn.

Mr. *E. B. Roche* seconded the motion. He would not, under any other circumstances, have attempted anything so unreasonable, but he was connected with a party which had been accused by the right hon. Baronet of a crime the grossest which human nature could be guilty of—namely, that of willingly deluding their countrymen by a wilful perversion of history. But the right hon. Baronet, in attempting to prove that accusation, perverted the speech of the hon. and learned Gentleman, and by that perversion the right hon. Gentleman attempted to delude the House of Commons and the British public. The right hon. Baronet said, that Mr. O'Connell asserted that the Parliament which existed in Ireland before 1800 was desired again. He said no such thing. That Parliament was corrupt, and no one could defend it. He regretted that the right hon. Baronet should not have attempted, instead of flinging unworthy accusations against agitators, to grapple with the subjects that made them agitators; for he might depend upon it, that if he did not grapple with them, they would grapple with him. He had always avowed himself an agitator; and he was sorry to say, that he was likely to continue an agitator, because it appeared to him that the majority who supported the right hon. Baronet, were not at all disposed to take from him the cause of agitation.

Lord *John Russell*, in reply, said, I certainly have neither the wish nor the power, considering the exhausted state of the House and of my own strength, to delay the House for any length of time, after this very protracted debate, from coming to a division. There have, however, been some things stated, either personally affecting myself, or having very immediate relation to the Motion I have brought forward, upon which I cannot refrain troubling the House for a few moments. The right hon. Gentleman, the Secretary for the Home Department, who spoke on the first night of the Debate, was pleased (and he was followed afterwards by the noble Lord, the Secretary for the Colonies), to taunt me with the great interest I had evinced on behalf of Mr. O'Connell since the prosecution. Certainly I did think that when Mr. O'Connell had been convicted in a Court of Law, it was the very last period which he could have taken for offering to that hon. Gentleman anything of a disparaging nature. I stated last year my opinion with respect to the Repeal of the Union, and with regard to the Repeal Agitation; and also with regard to the lawfulness of the meetings that were then taking place in Ireland; and having stated these opinions then, I did not think the present moment was the best to indulge in any indignation or complaint of the proceedings of Mr. O'Connell. But all that I did on the subject of Mr. O'Connell's proceedings was, to say that which had often occurred to me, namely, that that hon. Gentleman had rendered very great and essential service with respect to the suppression of the rebellion in Canada—to the opposition of the English Chartists—and the putting down of the Trades' Unions in Ireland; and I shall never regret, whatever the right hon. Gentleman (Sir R. Peel), or the noble Lord (Lord Stanley) may say, that I subjected myself to the imputation which has been thrown out against me, because I think that if anything was capable of being said in favour of the course which Mr. O'Connell has pursued, particularly tending to promote at various periods the peace of the country, that this was the moment for doing it. The right hon. Gentleman has taken unnecessary pains, in order to show that I must wish this Motion to be defeated, because previously I had declared my intention to bring forward resolutions as to the future government of Ireland, which it would have been very difficult for me to have done, and the right hon. Gentleman says, that if I had wished to carry a Motion of this kind, I should have made it with respect to the state of Ireland only, and totally apart from all party considerations. But I recollect that such a Motion was made last year by a representative of Ireland, which was sufficiently impartial to impute blame to the late Government, as well as to the present. But was that Motion acceded to? Was it not stoutly opposed, and considered in the light of a vote of censure by the Minister of the Crown, without any remedies being suggested, or any mode of conciliation pointed out? Therefore I think I was justified in coming forward at the commencement of this Session, to point out what I considered to be the cause of the evils existing in Ireland, and what measures I thought the Government ought to adopt, and to blend their conduct with the general consideration of the state of that country. The right hon. Gentleman spoke of the observations which I made with respect to the language once used by Lord Lyndhurst; but he entirely left out all mention of the purpose for which I made that observation, and by so doing he gave the observation itself a totally different meaning. The reason why I stated the words that had been used by Lord Lyndhurst, and also words which had been used by the noble Lord, the Secretary for the Colonies, and likewise by Mr. Bradshawe—though certainly the right hon. Gentleman said I might have left that gentleman out of the list—but the reason I alluded to their conduct and mentioned their language was this — that the indictment against the traversers in Ireland showed, in more than one of its counts, that it was a prosecution for exciting in the minds of the people of Ireland a feeling of hostility and ill-will against the people of England; and I could not but say, when I saw such a prosecution, who are these men that are thus prosecuting? Are these men entirely free from the same accusations? Is not much of that conduct which they blame in the Irish, and of the ill-will in the people of Ireland against the people of England, owing to the language used in past years in respect to the people of Ireland, by those who are now directing this very prosecution? The words which the noble Lord (Lord Stanley) had adopted were "the minions of Popery."

Lord *Stanley*: I beg the noble Lord's pardon; but those were not my words, and they never were applied by me to the Roman Catholics. I applied them to the noble Lord and to the Members of the Government who acted with him. My denial of having used the words with reference to the Roman Catholics was made at length, and may be proved by reference to former debates. If the noble Lord doubts what I state, I beg to refer him to the Debates, and he will see that the words were never applied by me, as he states, to the Roman Catholics, but to the Government.

Lord *J. Russell*: I was not aware that the noble Lord had explained the words last year. I said that they were the words of the hon. Member for Woodstock, and that they had been also used by the hon. Member for Sheffield. They were adopted by the noble Lord. [Lord *Stanley*: Never.] I quoted the words from the report, and they were that he would not admit into the offices of Government the minions of Popery. They were repeated by the hon. Member for Sheffield and not denied. As to Lord Lyndhurst I certainly said nothing in disparagement of his talents; both the right hon. Baronets seemed to think that I had spoken slightingly of his abilities; but nobody can have a higher opinion of them than I have, or has listened with more pleasure to his speeches. What I said was, that it was owing to his hostility to Ireland and not to his judicial qualities that he was chosen to fill his high office, and I added, that he had shown carelessness in the performance of his duties as Lord Chancellor. Perhaps that was an ill-considered expression, but I still think that he was appointed to his high situation for his political conduct—for his political abilities — for the political part he had taken, and not for any care he bestows on his judgments in the Court of Equity. I am fully aware of the great talents he has shown in politics, but I am not aware of the great assiduity he has displayed in his Court, though of that I can only speak from report. Be it observed, that neither of the right hon. Gentlemen have contradicted me regarding the discharge of his official duties; and it was just the same with respect to the Chief Justice of Ireland. Everybody has spoken of him with more or less severity, and admitted that the charge was intemperate. Who has defended the Chief Justice? I thought that the Attorney General for Ireland, who pronounced a panegyric upon him was about to say that the charge was remarkable for all the judicial qualities—that it was sober, discreet, and impartial; but when he came to speak of the charge, he turned off from it with the observation that traversers and their counsel were seldom pleased with the charge of the Judge. The right hon. Baronet told us in his outset, that he was not going to speak with any of the acrimony I had displayed, but with great temper and forbearance. And then he went on to say, after some description of my conduct in office, that he would rather have cut off his right hand than retained office as I had done, after the retirement of Lord Plunket. That may be what he calls one of his mild and temperate expressions; but it seems to me much more like the acrimony which he attributes to me. All the circumstances connected with that transaction cannot be detailed now, but some of them I may be permitted to mention. It had been stated to Lord Melbourne that Lord Plunket, at his advanced age, was desirous of relinquishing his situation: the present Lord Campbell came to me, and asked, as a dissolution was depending, whether he were to stand his election as Attorney General. I communicated with Lord Melbourne, and he informed me that he believed Lord Plunket was about to retire; he added that he would write upon the subject, and that if he did retire, the Attorney General should be made Lord Chancellor. A day or two afterwards it was found that Lord Plunket instead of being desirous of retiring, had no such intention; and I told Lord Campbell, that such being the case, neither Lord Melbourne nor I would do anything disagreeable to Lord Plunket. Lord Campbell said that he was perfectly content, that he would send down his address to Edinburgh and stand his election as Attorney General. From circumstances which I need not detail, Lord Plunket subsequently retired. I can assure hon. Members that it gave me pain that he should have taken that course; and I regretted deeply that anything had occurred which was painful to Lord Plunket's feelings. It may be that the right hon. Baronet thinks that this was an insult to Lord Plunket. I can only say that there was no intention to insult him, or to do anything unkind towards a man of his eminence. I always said, that of all the men I have seen in Parliament, Lord Plunket was the most eloquent, and during the whole of my acquaintance, of many years standing, I have had occasion to admire his extraordinary abilities. I admit that the transaction was a painful one, and disagreeable in many of its circumstances; but I repeat that not the slightest offence was intended. The right hon. Baronet has opened to us some of the measures he means to propose for Ireland. I do not wish now to speak of all those measures, but I must make some remarks upon what he said of the conduct of himself and his friends when in Opposition. He was pleased to say that we had various difficulties, disturbances, and insurrections, especially in Canada, and that the support he and his friends gave us when they were out of office must have been most useful. I confess that they gave us very fair and handsome support in any measures for enforcing obedience to the law, but with respect to measures of conciliation, by which the mind of Ireland in particular was to be quieted and contented, by which the government of that country was to be made more easy, so far from receiving from the right hon. Baronet and his friends any assistance, they proclaimed their intention to obstruct our measures, which I must say was completely fulfilled. On the very subject of the Franchise—the hon. Member for Cork puts me in mind of the circumstance—a Motion was brought forward to put the Franchise in England and Ireland on the same footing. We thought there was a great deal of reason in many of the observations of the hon. Mover; yet, upon consideration, my noble Friend, Lord Morpeth, was not disposed then to disturb the Franchise. Even the modified declaration of Lord Morpeth, that he did not mean to say that the Franchise ought never to be extended, and that it could not be considered eternally and irrevocably fixed, brought down all kinds of invectives against us. We were charged with intending to disturb the Reform Bill —that we did not mean to adhere to the settled Franchise, but to alter it; and whenever we talked of the possible fitness of some alterations we were constantly met by the assertion that the Reform Bill must not be touched. Yet now the right hon. Baronet claims great credit—and I am glad to hear of his intention—for a project to place the Franchise on some footing equivalent to that of England. Therefore, I repeat, that although they lent their support to measures for the maintenance of the supremacy of the law, which certainly were just and necessary measures, yet they were continually obstructing those plans which we brought forward to reform, conciliate, and improve Ireland. The right hon. Baronet read to us certain parts of the Coercion Bill. I was a party to it. Does the right hon. Baronet blame that Measure? If he do, he can obtain the details of it much better from his noble Friend, then Secretary for Ireland (Lord Stanley) than from any other quarter. The noble Lord is more intimately acquainted with the provisions of that Bill which Lord Anglesey and he declared to be necessary for the protection of life and property in Ireland, than I could pretend to be. Let me say, however, that I thought the great reason for that Bill to be the outrages then committed in the rural districts, and it was more for the protection of life than for any other cause that I gave my consent to that Bill. I will not say it was not a full consent, though we all felt a reluctance in giving it. I am ready to bear the responsibility of that Bill, but I must bear it along with others, and the noble Lord who was then Secretary for Ireland, and the right hon. Baronet, the First Lord of the Admiralty of that time (Sir J. Graham) must not be exempt from all responsibility. The right hon. Gentleman spoke of the Commission to inquire into the relations of Landlord and Tenant, but I am not sure that he quoted me correctly, for I do not recollect saying, that it would be better to bring in a Bill for a larger or a smaller object. The evils of the Commission for a change are obvious; the advantages may compensate them; but the right hon. Gentleman can hardly deny that there are expectations raised which may disturb the public mind in Ireland, on the subject of the occupation of land. Still, Sir, I cannot but recollect that when a late lamented Friend of mine, who devoted the latter part of his life to the service of Ireland, said that property had its duties as well as its rights, it brought down a lecture from the right hon. Gentleman of the danger of those abstract declarations which might injure the rights of the landlords. Although the appointment of a Commission may be a wise measure, I certainly heard with great suspicion the statement of the right hon. Gentleman, that one of his great objects would be to expose the landlords who had used their property wrongfully. Tenants might have grievances against their landlords, but that a Commission should sit to hear evidence given of these grievances appears to me a dangerous thing. I should, Sir, hope, as the hon. and learned Member for the County of Cork said, and I think said wisely, that the Commission will collect the evidence as quickly as possible; that having received that report, the Government will soon make up their minds whether anything is to be done, and if so, what is to be done, and how far it will go. I do not say that it was not wise to appoint a Commission, but to extend the inquiry over a year, and to postpone the decision, may, in my opinion, have an injurious effect. Sir, the right hon. Gentleman spoke also of the great question of the Church. I will not borrow his elaborate reasoning, but I will say, that I take a totally different view of that subject from the right hon. Gentleman. I never can separate two things. The first object of a Church Establishment must be to give religious instruction to the people. In the next place, it may be used to make the religious instructors of that people independent of them; and, thirdly, it may be for the purpose of making the people religious, moral, and contented. And, first, with respect to religious instruction, I may take an instance from a work I was reading this morning, where there is related a case of a Parish with one Protestant and one hundred Catholics. What religious instruction can the Church give in that Parish? Of what use can be a Protestant Minister there? How can I reconcile this with any description which any one person has ever given of the objects of a Church Establishment? Then, as to making the instructors of the people independent of popular passions, you do not effect that object. Are not the mass of the people the supporters of the voluntary system, and are not the instructors so supported, exposed to every bad influence resulting from it? Then, again, as to the contentment of the people. I believe that so long as the Church remains in its present condition, so long as you make it territorial, the contentment of the people never will exist. You make it territorial, as if the object of the Church were to preach to so many acres—as if you would attach a Minister to so much land, not signifying whether there be any souls or not. As there must exist a Protestant Establishment, I should like to see it confined to places where the people would gladly avail themselves of its offices, where they are attached to the Church, and where they would gladly learn the doctrines of the United Church of England and Ireland. The right hon. Gentleman has stated many objections against a Roman Catholic Establishment. I own, however, that I think those objections are comparatively light, when contrasted with the dangers and difficulties of your present position, What I stated, and what I thought best to do was, in the first place, to giveevery civil and political privilege to the Irish people which is possessed by the English people. Next, I said that I would give equality to the members of the two Churches, and then I said, instead of looking immediately to an endowment, I would render the Roman Catholics so satisfied with their situation, that we might propose an endowment without any feeling of humiliating dependence. That such a proposition so made would not be inconsistent with their feelings, may be gathered from the evidence of Dr. Doyle delivered in 1825. He was one of the best, one of the most learned instructors of the Roman Catholics, and was ready to consider some scheme for a provision. I would, then, make the Protestant Establishment commensurate with the wants of the Protestants, which it is not now, and then I would place the Roman Catholics in such a situation as to be ready to accept of honourable endowment. I think that all the questions about how much funds may be required, and where are we to get them, and whether the Roman Catholic Prelates shall sit in the House of Lords, is nothing compared with the difficulties to which we are exposed in our present anomalous position. The right hon. Gentleman said that I was careful in my mode of making this Motion, that I had not committed myself if I came into office, and the noble Lord said that he did not consider I proposed anything. Now, recollecting that I had proposed an extension of the Parliamentary and Municipal Franchise, an increase of the grant to Maynooth, a fit provision for the Church, and total equality of the two religions, I do not think that in the whole ten years during which the right hon. Gentleman was out of office, there was not any one speech or any one year in which he proposed half as much. Now the noble Lord, the Secretary for the Colonies, has addressed me and told me to weigh well the responsibility I incurred in making this Motion. Sir, I did carefully weigh—I did weigh well that responsibility—and I own it occurs to me that I incurred much less responsibility in making this Motion, than if I discountenanced bringing the grievances of the Irish people before this House. I believe that if the Government had been left to its own course of troops and arms—to its own measures, which upon the whole are trifling measures of reform—if no notice had been taken of these grievances, or of what had been going on, the Repeal party would have been greatly strengthened in Ireland. It would have been said—"See how indifferent you are to what takes place in our country. You are eager to pass Horse-racing Penalties Bills, and similar important measures, but how have you dealt with a great measure? To the mode in which we are governed in Ireland you are perfectly indifferent." Now, in the whole course of this Debate it has appeared to me, both on the one side and the other, that there has been a tendency to induce the people of Ireland to believe that their grievances will be considered in an English House of Commons. I believe that many things which they ask are founded in reason and justice, and if they see such propositions brought forward here, and supported by the talents by which this Motion has been supported by Members on this side of the House—if they see that this House of Commons will apply itself to their grievances, they will come to the Parliament of Great Britain as the place to which they shall petition for the redress of those grievances. I say, then, with respect to the "responsibility" of this Motion

I feel perfectly satisfied, because I believe that having been brought forward it will unite the Irish people to the English nation. I should have been glad, Sir, that if all recriminations as to Protestants and Catholics had been at an end, and I was exceedingly sorry to hear in the course of this Debate, the noble Lord propose to read the terms of the Catholic Oath. Who could mistake the purport with which the noble Lord read that Oath? If the noble Lord was in a Court of Justice giving his evidence, as he would be sure to do most frankly and honestly, what would he think of a vexatious lawyer who might say to him, "mind you are on your oath, you have sworn to tell the truth, the whole truth, and nothing but the truth; look at the terms of the oath, and answer me that question." What would the noble Lord think, but that the lawyer was insinuating that in what he had spoken he was not telling the truth? Must not the impression then be the same to all professing the Roman Catholic religion, who hear such emphasis laid on the terms of the Oath read by the noble Lord? Might it not be likewise a word of great encouragement to those in this country, less informed than the noble Lord, more prejudiced and bigoted, who are apt to bandy about the insinuation that Catholics ought not to be admitted into Parliament because they do not regard an oath. I am not making these observations from a mere spirit of hostility. I have the greatest respect for the talents of the noble Lord. I may, perhaps, be permitted to mention, that the first time Lord Melbourne told me it was his desire and that of his Colleagues, that I should take the chief part in the buinesss of the House of Commons, I told him that I felt myself very unequal to the task, but I was ready to undertake it if it was the wish of my Colleagues, but I did hope, if that which I trusted was only a temporary rupture with the noble Lord (Lord Stanley) should ever be healed, and he should join the party with which he from early life had been connected, he would permit me to place myself under his lead. I therefore had not then, and I have not now, any motive in mentioning those things to injure the noble Lord in public opinion; but he must consider, that with his situation, influence, and talents, it is of the utmost importance to what sentiments he gives utterance with respect to the relations of Protestant and Roman Catholic; that it is desirable that he should, with the Government to which he belongs, and no doubt they will to-night have a great majority, desirable, I say, that he and his Colleagues should give a frank and full and fair confidence to the Roman Catholics, and that he should endeavour, if possible, to heal those melancholy divisions by which the country has been so long distracted.

The House divided on the question, that the House do resolve itself into a Committee to take into consideration the state of Ireland.—Ayes 225; Noes 324:—Majority 99.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Anson, hon. Col.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bernal, Capt.
Blake, M.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bowring, Dr.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Busfeild, W.
Butler, hon. Col.
Butler, P. S.
Byng, G.
Byng, rt. hon. G. S.
Carew, hon. R. S.
Cave, hon. R. O.
Cavendish, hon. C. C.
Chapman, B.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Clements, Visct.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Currie, R.
Curteis, H. B.
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T
Divett, E.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, Adm.
Dundas, F.
Dundas, D.
Dundas, hon. J. C.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Elphinstone, H.
Esmonde, Sir T.
Etwall, R.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fitzwilliam, hn. G. W.
Fleetwood, Sir P. H.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gisborne, T.
Gore, hon. R.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F. G.
Hastie, A.

Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heron, Sir R.
Hindley, C.
Hobhouse, right hon. Sir J.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hn. E. G. G.
Howard, P. H.
Howard, hon. H.
Howick, Visct.
Hume, J.
Humphery, Mr. Ald.
Hutt, W.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Langston, J. H.
Layard, Capt.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Macaulay, rt hn. T. B.
Macnamara, Major
McTaggart, Sir J.
Maher, N.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Morrison, J.
Muntz, G. F.
Murphy, F. S.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.
O'Conor Don
O'Ferrall, R. M.
Ord, W.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Phillpotts, J.
Pigot, rt. hon. D.
Plumridge, Capt.
Ponsonby, hon. C. F. A.
Powell, C.
Power, J.
Protheroe, E.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Rice, E. R.
Roche, Sir D.
Roche, E. B.
Roebuck, J. A.
Ross, D. R.
Rumbold, C. E.
Russell, Lord J.
Scholefield, J.
Scott, R.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Somers, J. P.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjt.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Traill, G.
Trelawny, J. S.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Watson, W. H.
Wawn, J. T.
White, S.
White, H.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Worsley, Lord
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Hill, Lord M.
Wyse, T.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adare, Visct.
Adderley, C. B.
Alexander, N.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Ashley, hon. H.
Astell, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, B.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Boyd, J.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Buller, Sir, J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, J. H.
Cardwell, E.
Castlereagh, Visct.
Chapman, A.
Charteris, hon. F.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Collett, W. R.
Colville, C. R.
Compton, H. C.
Connolly, Col.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Lord
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Disraeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquis of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forester, hn. G. C. W.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.

Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquis of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge,rt.hon.SirH.
Hardy, J.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A‘C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, F. R.
Kemble, H.
Ker, D. S.
Knatchbull,rt.hn.SirE
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Leslie, C. P.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Long, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, hon. Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Morgan, O.
Morgan, C.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O‘Brien, A. S.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Pigot, Sir R.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reid, Sir J. R.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Rose, rt. hon. Sir G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hon. T. B. C.
Smyth, Sir H.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hn. F. J.
Tollemache, J.
Tomline, G.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Verner, Col.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Wilbraham, hn. R. B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Paired off (Non Official).

AYES.	NOES.
Berkeley, hon. G.	Achers, J.
Archbold, R.	Acton, Col.
Redington, T. N.	Bernard, Lord
Grainger, T. C.	Bodkin, W. H.
Duff, J.	Broadwood, H.
Ellice, rt. hon. E.	Campbell, Sir H.
Wood, C.	Cartwright, W. R.
Barclay, D.	Chelsea, Lord
Dalmeny, Lord	Cole, hon. A.
O'Connell, D.	Colquhoun, J. C.
Loch, J.	Egerton, Lord F.
Cavendish, hon. G.	Fielden, W.
Heneage, E.	Fitzroy, hon. H.
Oswald, J.	Forbes, W.
Vivian, hon. Capt.	Hawkes, T.
Maule, rt. hon. F.	Hepburn, Sir T.
Grattan, H.	Hogg, J. W.
Wemyss, Capt.	Johnstone, J. H.
Acheson, Lord	Kerrison, Sir E.
O‘Brien, C.	Kirk, P.
Listowell, Lord	Lennox, Lord A.
Seale, Sir J.	Lopes, Sir R.
Heathcoat, J.	Mordaunt, Sir J.
Mathison, J.	Murray, C. R. S.
Westenra, hon. Col.	Newry, Lord
Wood, B.	Planta, rt. hon. J.
Hoskins, K.	Price, R.
Rutherford, A.	Ramsay, W. R.
Howard, Sir R.	Round, C. G.
Guest, Sir J.	Stanley, E.
Corbally, M. E.	Taylor, Capt. T. E.

AYES.	NOES.
Russell, Lord E.	Trench, Sir F.
Ogle, S.	Vernon, G. H.
French, F.	Vesey, hon. T.
Pryse, P.	Wynn, rt. hon. C. W.

Absent.

AYES.

Ainsworth, P.
Bridgeman, H.
Callaghan, D.
Cayley, E. S.
Clive, E. B.
Cobden, R.
Drax, J. W. E.
Greenaway, C.
Heathcote, G. J.
Johnson, Gen.
Johnston, A.
Lambton, H.
Langton, G.
Martin, T. B.
O'Brien, W. S.
Ricardo, J. L.
Somerville, Sir W.
Talbot, C.
Tinte, H. M.

NOES.

Attwood, J.
Benet, J.
Carnegie, hon. Capt.
Eastnor, Lord
Forman, T. S.
Hamilton, C. J. B.
Mackinnon, W. A.
Neeld, J.
Rolleston, Col.
Shepperd, T.
Somerton, Lord
Vyvyan, Sir R.

ANALYSIS.

Majority, including Teller	326
Minority, ditto	227
Paired	70
Absent—Noes	12
Ayes	19
Speaker	1
Seats vacant—Sudbury .. .. 2 Londonderry, county 1	3
	658

House adjourned at four o'clock.

HOUSE OF LORDS,

Monday, February 26, 1844.

MINUTES.] BILLS. *Private.*—1ª· Bow Brickill Estate.
PETITIONS PRESENTED. From the Chancellor, etc. of University of Cambridge, against Union of Sees of St Asaph and Bangor.

CATHOLIC PRIEST—EXPLANATION.] The Marquess of *Normanby* said, that in the course of the observations made on a former evening by a noble Marquess opposite, that noble Marquess had stated, that a poor priest in Ireland had been suspended from his duties for a month by his Bishop, because he refused to collect the Repeal tribute. Now, he (the Marquess of Normanby) had received a distinct contradiction of that statement. No doubt, the noble Marquess, when he mentioned the case, believed that his information was correct. But he had received a letter from the right rev. Dr. Cantwell, the Bishop of the diocese in which the circumstance was alleged to have happened, who positively denied that any such thing had occurred.

The Marquess of *Westmeath* said, all he knew about the matter was, that the circumstances to which he had referred were quite notorious throughout the country. After what the noble Marquess had stated, he should, however, say nothing more on the subject until he had made further inquiries. Perhaps the error was one of time, and not of fact.

POLES IN PRUSSIA.] Lord *Brougham* wished to put a question to his noble Friend the Secretary for Foreign Affairs, on a question of considerable interest. Some time ago a number of refugees from Russian Poland had sought shelter in the dominions of the King of Prussia. They were allowed to take up their residence in Posen, which, as their Lordships all knew, formed a part of Ancient Poland, but by the partition of 1773, was annexed to Prussia. Recently some ill-feeling was excited against those persons, and the Prussian government had thought fit to issue a proclamation commanding their immediate departure from that place. No sufficient reasons were adduced for such a proceeding, and it was exceedingly unlike the government of the illustrious prince who ruled that kingdom to take such a step, unless some great necessity seemed to demand it. It was most improbable, that such a proceeding would be lightly adopted; and one would be led to suppose, that it must arise from circumstances that had not yet come to the knowledge of the public. It was to be hoped, that extreme measures had not been adopted against the whole of these persons on account of the misconduct of some individuals. He should feel obliged to his noble Friend for any information that he could afford on the subject.

The Earl of *Aberdeen* was obliged to his noble and learned Friend for the intimation which he had given of his intention to put a question to him on this subject. He was not, however, in a condition to afford the information which his noble and learned Friend required. He was aware, that the Prussian Government had taken steps for the removal of the Polish refugees; but he knew not the peculiar circumstances which led to that determination. He however, agreed with his noble and learned Friend in thinking, that it was not likely—that it was very improbable, that the Prussian government would do anything harsh or unfeeling, unless they had reasons which they could allege in justification.

Mr. R. O'Gorman.] Lord *Campbell* wished to call their Lordships' attention to the case of an individual who felt himself aggrieved by something which had occurred a few evenings ago in their Lordships' House. The gentleman to whom he alluded was Mr. Richard O'Gorman, who was one of the Grand Jurors before whom the indictment with reference to the late State Trials in Dublin was placed. In the course of his speech on the Motion of his noble Friend (the Marquess of Normanby), Lord Roden stated, as reported in *The Times* newspaper, that the question was considered in Ireland as a question on the decision of which depended whether the Protestant or the Roman Catholic Church should preponderate.

> "Such (said the noble Earl) being the prevalent opinion, it was quite natural, without at all impeaching the oaths of Roman Catholics, or imputing it to them, that as Jurors, they would not return an honest verdict—it was natural to suppose, that such an impression must necessarily produce some bias in their minds. In this point of view it was impossible to suppose, that the Roman Catholics of Ireland could act upon a Jury without being more or less biassed in their opinions. As a case in point he would instance what had taken place in the Grand Jury upon the finding of the bills. There were three Roman Catholics upon that Jury, and one of them came into the Jury-box after the bills were found, and though he had been sworn to keep his own counsel as well as that of his fellow-Jurors, declared, that he for his part, dissented from the finding."

Here, according to the report, there were cries of "Hear, hear." The Earl of Roden stated, with that openness and candour which belonged to him, that this conduct on the part of Mr. O'Gorman was calculated to inflict a great blow against reposing confidence in the Roman Catholics, as connected with this Trial. Now, the fact was, that when this finding was returned, it was signed by the foreman, "A true bill, for self and fellows;" and, thus signed, it conveyed the notion that all the Grand Jury had concurred in the finding. Mr. O'Gorman was then in Court, and he wished it to be understood that he dissented from the finding, and he stated the fact. Now, the noble Earl (Earl Roden) seemed to think, that in acting thus, Mr. O'Gorman had been guilty of a violation of his oath, because he had been sworn to keep his own counsel as well as that of his fellow-jurors. Now, the noble Earl seemed to have mistaken the nature of the oath which the Grand Juror took, which was, that the evidence given before the Grand Jury should not be disclosed, so as to interfere with the interests of justice, or with the verdict that might ultimately be returned. The examination of Grand Jurors was not, however, without precedent. In the 7th volume of the *State Trials* a case was reported, where the whole of the Grand Jurors were openly examined at the Old Bailey as to the grounds on which they had decided. And there was another case in which Lord Kenyon allowed a Grand Juror to be examined. So that it appeared that Mr. O'Gorman had not acted in any way that was censurable.

The *Lord Chancellor:* By whom were the Grand Jurors examined?

Lord *Campbell:* By the Judges.

The *Lord Chancellor:* That was by no means unusual: but it was a very different thing when a Grand Juror came into Court and declared, without being required, what course he took.

Lord *Brougham* said, it was a very great mistake, if it were supposed that his noble Friend, who was not present, having been obliged to leave this country in consequence of distressing illness in his family, had harboured the slightest intention of throwing out any accusation against Mr. O'Gorman, or had meant for a moment to insinuate, that that gentleman had violated the sanctity of his oath. His noble Friend was, at the time, arguing with respect to the propriety of striking Roman Catholics from the Petty Jury; and he observed, that so much was this considered to be a party question between Catholic and Protestant, that a most respectable gentleman, Mr. O'Gorman, was so alarmed that it should be supposed abroad that he had coincided in the finding of his fellow-jurors, that he took the very first opportunity of declaring his dissent in Court. But his noble Friend had never insinuated, that in thus acting, Mr. O'Gorman acted contrary to his oath. Now, he should say nothing with respect to the nature of the oath; but this he would say, that he thought a Juryman, whether a Grand Juror or a Petty Juror, was bound in honour to his fellows not to disclose what passed in the Jury-room, unless required under the pressure of extraordinary circumstances, such as the requisition of the Judge, to declare the counsel of himself or his fellows. Grand Jurors and Petty Jurors were bound in honour to their fellows, independent of any oath, not to disclose what had passed in the sanctuary of the Jury-room. If a Judge questions them, this, of course, absolves them from the obligation. As to Mr. O'Gorman, he was known to be a most respectable man, a most loyal man. He was brother to Mr. Purcell O'Gorman, than whom a more honourable man did not exist. They were both ardent in the cause of Catholic Emancipation. But, when that great Measure was carried in 1829, they deemed it proper, as a matter of principle, to abstain from all further agitation.

Lord *Campbell* said, that he had not asserted, that the noble Earl (Earl Roden) had intended to charge Mr. O'Gorman with the violation of his oath.

The Marquess of *Westmeath* rose to bear testimony to the high respectability of one of the Messrs. O'Gorman, who had for some time filled the office of assistant barrister in the county in which he (the Marquess of Westmeath) lived—no gentleman could have acquitted himself more honourably or more efficiently in that situation than had Mr. O'Gorman. He would merely add, that he had himself frequently sat upon Grand Juries, but he had never before heard of one of the Jurors going into Court afterwards and stating the part which either he or his fellows had taken in the matter. He thought it exceedingly improper that anything should go forth to the public which would tend in the least to encourage an idea of the propriety of such a course upon the part of a Grand Juror.

Lord *Wharncliffe* was quite sure, that for a Juror to declare in open Court, the course he had taken upon a bill brought before them, was quite at variance with the practice in this country.

Lord *Campbell* was far from saying, that it was proper for Jurors to do so; but this was a case in which, in consequence of the foreman signing the bill, "A true bill, for self and fellows," implying that the Jury were unanimous in finding it, a gentleman thought it necessary to declare his dissent from a judgment in which he would otherwise have been deemed concurrent.

Lord *Monteagle* said, that in Ireland, it was the invariable form for the foreman to sign bills, "For self and fellows."

Subject dropped.

House adjourned.

HOUSE OF COMMONS,

Monday, February 26, 1844.

MINUTES.] NEW WRIT.—For Londonderry Co., *v.* Robert Bateson, Esq., dec.

BILLS. *Public.*—1°. Witnesses Indemnity (Gaming).

Private.—1°. Salisbury Branch Railway; York and Scarborough Railway; Severn Navigation; Edinburgh Cattle Market.

2°. Manchester and Leeds Railway (Bradford Branch); Huddersfield Branch Railway; Rochdale Gas; Brandes Burton Inclosure; Leeds and Selby Railway Purchase; Sang's Naturalization; Manchester and Leeds Railway (Heywood Branch); Manchester and Leeds Railway (Bury Branch); Wich Tree Roads; Birmingham Canal Navigations; Norwich and Brandon Railway; Great Western Railway; Birkenhead Docks; Birkenhead Improvement.

PETITIONS PRESENTED. By Mr. O'Connell, from Tullylish, and 195 places, for Repeal of the Union. — From Haslington, and Pocklington Unions, for Amendment of the Poor Law.—From Truro, against Increase of Military Establishments.—From Sandwich, for a Harbour of Refuge.—By Mr. S. Crawford, from Edinburgh, for Withholding the Supplies. — From Kelso, and Lorn, for Increase of Remuneration to Schoolmasters (Scotland).—From Huddersfield, R. Nichols, and Great Yarmouth, respecting Window Tax on Licensed Victuallers.—By Mr. Dennistoun, from Glasgow, respecting the State of Ireland.—By Mr. Macaulay, from Edinburgh, for Repeal of Paper Duties.—From Samuel Gordon, for Consideration of his Case.—From Dundee, respecting University Professors.

REDRESS OF GRIEVANCES — SUPPLY —THE INCOME TAX.] On the Motion that the Speaker do leave the Chair for the House to resolve itself into a Committee of Supply

Mr. *S. Crawford* rose, agreeably to the notice which he had given, to move the postponement of the consideration of the Committee of Supply, and he should endeavour as clearly as possible to state to the House the reasons which induced him to bring forward the subject, and the objects which impelled him to make that Motion. He had recently witnessed a nine days' fight in the House of Commons, a fight in which he took no part, and from which he feared no practical result would be found to follow. They had been engaged in firing blank cartridges, without producing any effect upon the condition of the great body of the people; it was a conflict of parties, in which the great and important interests of the people were little concerned. It was a long continued war of words, and the result was, that the victory went to those who had the greatest number at their side. Now he was of opinion that the result ought not solely to depend on such a cause, and that attention ought to be paid to the just demands of the people for their rights, although the numbers of those opposed to them might be greater than those who were favourable to those rights. It appeared to him that when an intruding army came into a country, the duty of a skilful general opposed to such an army was to cut off the supplies, and he proposed, therefore, in a civil movement, to adopt the course of the skilful general, and cut off the supplies of the intruding party in order to bring them to just and reasonable terms. It was on that principle and with that view that he brought forward his Motion, in order to bring the party which was opposed to him to terms, and to rally some of the friends of the noble Lord (Lord J. Russell) in order to fight the real battle for the rights of the people. The noble Lord had not the country with him, for he did not found his proceedings upon principles which were calculated to bring the people round him in such a way as would enable him to overcome his enemies. He would first refer to a resolution on this subject, which he moved on a former occasion, as he believed that he had been by some hon. Members to a certain degree misunderstood. The hon. Member for Montrose appeared to think that he denied the competency of the House to vote the Supplies. Now, what he said was, that if the charges which had been made against the House were true, it would not be competent, and that the House ought to investigate those charges and redress the grievances of the people before the Supplies were voted. He had previously referred to petitions which had been presented containing those charges. One of those petitions was from the Chartists, and it contained charges which, as the House had received the petitions, ought, in his opinion, to have been investigated. Another was presented from Birmingham, signed by the Mayor. It stated that the House of Commons did not represent the people, that it had not the confidence of the people, that a large portion of its Members had obtained their seats by bribery and corruption, and that Parliamentary proceedings were influenced by selfish and party motives rather than by a regard for the interests of the people, and that there was in the House of Commons gross ignorance of the condition of the people and carelessness of their welfare. The House received that petition, and, having received it, he would ask was it not necessary to inquire into the allegations which it contained? If the charges were not true, why did the House receive it, and as the House had received it, was it not incumbent on the House to cause an investigation into the truth? The House ought not to vote the Supplies until they had inquired into those charges. The House of Commons, represented certain classes—it represented the Landed Aristocracy—it represented a part of the middle classes, and it represented the monied classes, but the large mass of the working classes were unrepresented. He put it to the House, then, to say if they were the virtual representatives of the people, and if they were not, how could they take upon themselves to vote the Supplies? He called on the House to institute an inquiry as to what extension of the Franchise would make it a true representation of the people, before the Supplies were voted. There was another consideration with reference to the Estimates, to which he begged to direct the attention of the House. In the Motion which he gave notice of, he stated his intention to move that the consideration of the Estimates be postponed till after Easter, for he was of opinion that all the Estimates for the year ought to be brought before the House before any part of them was considered. Taxation had increased greatly of late years, and they ought to inquire into the cause of that increase, and into the means of diminishing it. In 1836, the Expenditure of the country was 44,200,000*l.* it had now increased to 49,550,000*l.*, and before they voted the Supplies they ought to consider whether the Expenditure of the country could be reduced. He thought that his Motion ought to be supported by every Member who was an advocate for economy, and he hoped to have the support of the hon Member for Montrose, who had so long endeavoured to reduce the public Expenditure. The Members who advocated the repeal of the Corn Laws ought to support him, and the Irish Members ought also to support him. The Irish people demanded the same Corporate Reform as had been granted to England. On that point there had been a promise of some amelioration, but there was no security that it would go to the extent that was justly demanded. The second point was, that a proportionate number of Representatives be given to the people of Ireland. Was there the smallest hope that this demand, however just and legitimate, would be conceded. Next, an equalization of religious freedom with the people of England and Scotland was required, and that with that view the people of Ireland should be disembarrassed of the burthen of the Established Church, and its revenues applied to education and other temporal purposes. Had any Irish Member reason to expect that they would effectually obtain any one of these objects? He maintained that the Irish Members ought not to go home satisfied, without having used every exertion to extort the concession of these demands from the Government. He called upon the Irish Members not only to support this Motion, but to exert their energies in every possible way to prevent the present Government, or any Government, from refusing those demands which were just and reasonable. He had heard certain constructions put upon law proceedings in the case of public meetings, and those constructions very ingeniously argued by lawyers on both sides; but the construction of lawyers was of little consequence to Governments, if they had the power to stretch the law to their own purposes. The real construction which they would require was that of the Commander of the troops. He was the man that would interpret the law for them more usefully than any other. If a Government could stretch the law to oppress the people, they would effect that purpose; but the real question was, had they the power to execute that object? The Commander-in-Chief was the adviser to answer that question for them. Nothing could more clearly or plainly show this than a reference to Irish history for fifty years back. The Lord Lieutenant became seriously alarmed at the intention to assemble meetings in military terms, to collect in military array, and at which the people were to go in a sort of procession, resembling the march of troops; but at former periods the Government was not so easily alarmed. He remembered the time when the people of Ireland assembled actually in military array, and any Gentleman who remembered the Irish Volunteers must be aware that they asserted the right to carry arms, and to assemble in arms, and demand the redress of grievances, and that they actually so assembled and demanded the redress of grievances with arms in their hands. Had any Government asserted that they were conspirators? No;—and why? Because it had not the power. The Government was obliged to submit to the demand of redress made by men who had arms in their hands. Such was the case of the volunteers. It was an altered case now, when Arms Bills were passed to prevent the people of Ireland from having arms, even for their own defence. The Volunteers, asserted the right to bear arms, and to call for the redress of grievances as an armed body. It was curious to remark some of the proceedings of that day. In the Journals of the period was to be found an Address to the Lord Lieutenant in 1782, which recorded the Acts of the Legislature and showed what had been accomplished. The hon. Member read an Address, which claimed an enforcement of the due administration of the laws, and asserted the right of legislation to be in the Irish Parliament independent of England. Those were the proceedings of the Volunteers, and at that time the Government were as anxious to uphold English laws, as the Government opposite now was to maintain the Union. This armed body subsisted for twelve or thirteen years, and was never declared illegal or a conspiracy; but on four different occasions received the thanks of Parliament for their services in the defence of the country against foreign invaders, and internally enforcing the laws in aid of the civil power. What was the consequence of the conciliatory course then adopted? In the following year, the year 1783, 5,000 troops were withdrawn from Ireland, the ordinary force being 12,000, and those who remained were recruits and undisciplined soldiers. The people were left to their own protection. How different was the state of things now! The right hon. Baronet in his speech commented on the nature of the Irish Parliament, and he admitted that it had become as corrupt a Parliament as could well be, but it had nevertheless, during its existence conferred incalculable benefits upon the Irish people, for it was possible that sometimes the most corrupt bodies could be influenced by popular fervour and do good towards the people. In consequence of the corruptions of the Parliament, and the divisions amongst the people, the Irish nation lost all power, and down to this day the evil had remained in full force. Since the unfortunate rebellion of 1798, a state of suffering and violence had pervaded that country from one cause or another, but chiefly from the domination of a small party to the exclusion of the great majority. He was surprised that no allusion had been made in the late Debate to that enormous insult to Ireland, the Arms Act, from which he thought a great mass of evil would arise, but he supposed the reason for this silence was, that the working out of that Act was found quite impracticable. With respect to the Landlord and Tenant Commission, all he should say was that many persons looked at it with great dislike, because it was supposed that there was a desire in the Commissioners to screen the Landlords. He hoped the Commission would do its duty, if it did it would effect great good, and he was not one of those who would join in condemning it without a trial. The Government, in defending themselves for the use of military power, said that they were not the cause of the agitation which had been raised in Ireland. He must deny the correctness of that apology. There would be no agitation which would be at all dangerous to the Government, if it were not their obstinate refusal to redress the grievances of Ireland. It was this which caused agitation, and what he maintained was, that the Government ought not to be permitted to keep up an army which would enable it to refuse redress. It is the duty of Members to take every means that the forms of the House sanctioned, to prevent the keeping up an enormous army for such a purpose. All these matters ought to be considered, and, if possible, remedied, before the House voted those Estimates for the Army, which would enable the Government to withhold the redress which was called for. There had been a considerable manifestation of public feeling in favour of the course which he had felt it his duty to take on that occasion. On referring to the votes of the House, he found that Petitions had been presented from thirty-four different places, calling upon the House to refuse supplies until the grievances of the people should have been redressed. The Petition which he had presented that day from the City of Edinburgh well deserved the attention of the House; that Petition was signed by 17,000 persons. In order to show that he was justified by the feelings of his constituents in taking this course, he need only refer to the memorial which had been sent to him from the Borough of Rochdale, requiring him to refuse supplies until the grievances of the people had been redressed. In the opinion of the memorialist, that was a Constitutional, just, and necessary course. The Petition was signed by 5,500 inhabitants of Rochdale, and by 400 Electors—a larger number than had voted for him at the time of his return for that Borough. He admitted that opposition to the Government in the voting of Supplies ought not to be undertaken on light grounds; but in his judgment, the grounds were now amply sufficient. The liberties of the people were in danger. If such proceedings as had taken place in Ireland were permitted to continue, the power of the people to express their opinions would be suppressed. There was a disposition exhibited to restrain the liberty of speech; and on this account, among others, it was necessary to pursue this course. The country was in a most alarming condition, and it was indispensably necessary that those Members who represented the people in that House should take such means as were in their power to secure redress. Those who deprecated the use of physical force, were bound to use every means in their power to make moral power efficacious in procuring redress, lest men should resort to other means. He might possibly be asked, what would be the effect of this remedy if it were capable of being carried out? He admitted that the result would necessarily be, either that the Minister must redress grievances or resign. He did not desire to see the right hon. Baronet in that position, if he would only hold out the smallest hope of redress. He did not hope that he alone could make any impression on the House in reference to this question; all he could do was, to ask the right hon. Baronet to take the grievances of the country into his serious consideration. He wished to prevent any supply being voted until some indications should be given of an intention, on the part of the Government, to redress the grievances of the people. Whether such a course should be adopted or not, depended upon the other representatives of the people. He had done his duty by proposing the course which he had proposed. The House would adopt whatever course it might think proper. He had abstained from making any mere *ad captandum* proposition for the mere purpose of catching a few stray voters. He thought that a grand stand ought to be made by the representatives of the country, particularly when the Army Estimate should be proposed. The hon. Member concluded by moving as an amendment, that the consideration of the Estimates for the several branches of the public service be postponed till after the Easter recess.

Colonel *Rawdon* said, it was not without reluctance that he rose to second the Motion. He had always hitherto opposed Motions of this kind, but he must say that the Measures promised with respect to Ireland were not of so comprehensive a nature as he had wished for. There was, in Parliamentary language a form "in another place," which the Members of that House did not in effect possess, but he wished to be understood as entering his "Protest" against the course adopted by the Government. The social and Political condition of Ireland was such that every man who wished for the good of that country must be anxious for inquiry, and the Government ought to have consented to such an inquiry. Nations, like individuals, were not the best judges of their own affairs, and, therefore, he would quote as an authority, with respect to the condition of the Irish people, a writer who had been cited in the former Debate, and against whose impartiality there could be no imputation, as he was a foreigner. Mr. Kohl, in quoting from M. Beaumont, said—

> "A French author, Beaumont, who had seen the Irish peasant in his cabin and the North American Indian in his wigwam, has assured us that the savage is better provided for than the poor man in Ireland. Indeed, the question may be raised, whether in the whole world, a nation is to be found, that is subjected to such physical privations as the peasantry in some parts of Ireland. This fact cannot be placed in too strong a light, for, if it can once be shown the wretchedness of the Irish population is without a parallel example on the Globe, surely every friend of humanity will feel himself called on to reflect whether means may not be found for remedying an evil of so astounding a magnitude."

He went on to say, speaking of Prussia—

> "We have beggars and paupers among us, but they form at least an exception; whereas, in Ireland, beggary or abject poverty, is the prevailing rule. The nation is one of beggars, and they who are above beggary, seem to form the exception. Every other day they feed upon potatoes, and nothing but potatoes. Now, this is inhuman, for the appetite and stomach of man claim variety in food, and nowhere else do we find human beings gnawing, from year's end to year's end, at the same root, berry, or weed. There are animals who do so, but human beings nowhere except in Ireland."

He asked whether any man of feeling could read this description of the Irish people without feeling that it was one which imperatively demanded redress? The author proceeded to say—

> "There are nations of slaves, but they have, by long custom been made unconscious of the yoke of slavery. This is not the case with the Irish, who have a strong feeling within them, and are fully sensible of the weight of the yoke they have to bear. They are intelligent enough to know the injustice done them by the distorted laws of their country."

Here an impartial Foreigner said, that injustice was done to the Irish people by the distorted laws of their country. He knew it must weary the House to speak on the subject of Ireland after the long Debate that had taken place on that subject, but the House must recollect that more English Members had spoken than Irish, and he hoped, therefore, the House would allow him to say a few words. They had not had an intelligible answer yet from the right hon. Gentleman as to what course he intended to pursue with respect to Ireland. He had held out no hopes of redress for the wrongs of the people of Ireland. For the present the door might be considered shut against the Irish people. The Irish Members must go back and tell their constituents, that there were no hopes for the people of Ireland from that House. He had heard the other evening, with some indignation, an hon. and gallant Member express a wish that agitation should be put down in that House. He (Col. Rawdon) said, that that House was the place for agitation—the constitutional and the proper place. He still clung to the Act of Union, but when he heard such expressions as those he had alluded to, his feelings, he must say, began to waver. If there could be found one way more successful than another to increase agitation, it would be in attempting to suppress the discussion of Irish grievances in that House. He sincerely believed the time was come at which

Irishmen should make themselves more heard in that House. They must be more heard, for the Government were not determined on what was necessary and right. He could assure the right hon. Baronet (Sir Robert Peel) that, however conciliatory his expressions were, he could see nothing tangible in his intentions. The right hon. Baronet might stave off substantial Measures for a time, but it would be only for a time. Until he consented to a great alteration in the Church, and to a Franchise equal to that of England, there could be no hope of permanent peace in Ireland. For these reasons he seconded the Motion.

Sir *H. Douglas,* in reply to the gallant officer who had just spoken, assured him that what he had said the other night had been spoken in no heat, and certainly with no bad feeling towards Ireland. What he had said was, that he considered the Motion then before the House as one brought forward for a party purpose, and not for the good of Ireland, but as a consequence of the agitation going on out of doors; and that when it should have been as triumphantly put down by rejecting the noble Lord's Motion, as the agitation out of doors, had so far been effectually suppressed, he (Sir H. Douglas) should be happy to contribute his efforts to redress or remove any grievances of which Ireland might have cause to complain, so far as this might be consistent with the integrity of the Constitution, in Church and State.

Mr. *W. Williams* had listened with attention to his hon. Friend the Member for Rochdale, and he was at a loss to discover any particular ground for the course which he propossd to take on this occasion. If his hon. Friend had added to his Motion that very important proposition which he had advanced in his speech, that the whole of the Estimates ought to be before the House previously to any of them being voted, and that the whole should be referred to a Select Committee, he should feel bound to vote with him, and should consider it the duty of every liberal man in that House to give such a proposition his support; but as the Motion merely proposed the postponement of the consideration of the Estimates till after the Easter recess, without, so far as he could understand, any distinct or peculiar ground for that course being shown, he did not feel that the proposition was one which held out any great advantage. He himself, as his hon. Friend knew, was not in a hurry to vote away these enormous sums of the public money. If any effectual good could be done by postponing from to-night the vote of the vast amount of money that was called for—twelve millions, in two Estimates—he should oppose such a proposition. But he rose principally to urge the necessity of the House having before it the Estimates for the Army, Ordnance, and Miscellaneous Services, before it was called upon to enter on the consideration of the Navy Estimates; and he must further say, that he thought the Chancellor of the Exchequer ought also to bring forward his Financial Budget before he called for a Vote of any Supplies: that he ought to state the sources from which he proposed to derive the revenue now required. Last year it was true, the right hon. Gentleman had been able to make both ends meet, with an addition of two and a-half millions, and five and a-half millions—altogether eight millions beyond what the people were burthened with a few years ago. The right hon. Gentleman shook his head, but it was a fact, that 5 per cent. had been added to the general taxation, and 10 per cent. to what were called the Assessed Taxes; and a little calculation would show this produced the result he had stated; and the Income Tax was five millions and a-half, or close upon it. The country was actually never acquainted with the exact amount of its taxation, nor how much of it was intercepted on its way to the Treasury, which amounted to four millions and a-half, deducted for cost of collection. There were, for instance, the Commissioners of Customs, who had been reported to the Crown to be totally unfit for their situations, and yet who intercepted taxation on its way to the Treasury to the amount of 1,200,000*l.* The right hon. Gentleman (the Chancellor of the Exchequer) had stated last year that there had been a balance of receipts over expenditure of 1,400,000*l.*, but this was not clearly proved by the financial account lately presented: for on the other side of the account it appeared, that 1,300,000*l.* had been received from the sale of the Chinese dollars, 1,200,000*l.* had been paid for the China opium which had been seized, and another part of the account showed that 1,600,000*l.* had been borrowed to pay for the opium. If there was a Select Committee properly constituted, not composed of Members of the existing Government nor of the late Government, but of independent Members of Parliament, attached to no party, he had no doubt it would prove from the practice and experience of former years, that a large amount might be saved to the country. He would ask, what reason could there be for this enormous expenditure of the public money, required by these estimates, when at the opening of the Session Her Majesty had informed the House, that she had the strongest assurances of the most amicable disposition on the part of all Foreign Powers and of uninterrupted peace? What were the actual facts of the case? In 1835 the amount of the Navy Estimates was less by 2,000,000*l.* than this year. In 1835, the Navy Estimates were 4,254,000*l.*, and in the present year they were 6,285,000*l.* Could, he asked, the reason be stated for that vast increase? The marines on shore in 1837, 1838, and 1839, were 3,500 men, in 1841-2 the number was 4,000 men, and now they were 6,500 men. In his opinion, this was a surreptitious mode of keeping up a standing army. What else, he would ask, could be their reason for increasing this force, but in fact to add to the army of 129,677 men, a larger army than ever was known in this country since the occupation of France. He should like to hear this explained, the more so when they considered, that independently of this large army, no less than 10,000 pensioners had been embodied by a vote of that House last year. Did they support this large military establishment because they proposed to govern the country by military force? for if they did not, in the present state of the foreign relations of this country, there could be no pretence for it. The right hon. Baronet had told them the other night, that they intended to govern Ireland upon Tory principles; that was to perpetuate the oppression of the people; and as long as they persevered in that, they could not reduce this Estimate. In the amount of the Estimates, they had good proof that the Government was resolved upon persevering in the policy that had been announced by them, He called upon the Secretary of the Admiralty to say why it was that he required now 34,000 men for the Navy, when in 1822 only 21,000 were wanted, and in 1834-35 they had but 27,000. What he asked, were the circumstances that required a greater number of men than at the former period? Another important point was, the vast amount of the Navy Pension List. In 1818, immediately after the close of the war, the whole amount of the half-pay and pensions of the Navy was 1,230,000*l.*, and what did the House suppose it to be now? 1,400,000*l.* This was twenty-eight years after the peace. The accounts of the Army were clear in every item; whilst in the Navy Estimates nothing was clear, and some items were actually unintelligible. In 1818 just after the peace, the pensions of the widows and children of officers in the navy were 118,800*l.* He begged the particular attention of the Secretary of the Admiralty to this subject: because, if that hon. Gentleman would not give an explanation, he was determined to divide the House on every particular item in the Estimates. In 1822, those pensions were 112,000*l.*: and this year they were 210,000*l.* Why had the increase taken place? Let them, then, compare this with the amount of the pensions given to the men who fought their battles. It was 207,000*l.* That was 3,000*l.* less than the pensions of these widows of Officers. Could it, he asked, be any wonder, that the men felt themselves ill-used? That they should, in consequence, have joined the Americans in the last War, fought against the British flag, and in some instances successfully. He had next to call their attention to the pensions in the Civil Department of the Navy—that is, clerks in Somerset House. In 1818, the amount of these was 99,600*l.* This year it was 163,000*l.* That was very near double its amount at the close of the last war. Another point to which he had to call the attention of the hon. Gentleman was the vast expenditure on their Dock-yards. The amount proposed this year was 290,000*l.*, and during the last five years it had been 1,123,000*l.* These sums were for Dockyards alone; and yet not a single Dockyard, with the exception of that of Pembroke, had been enlarged since the last War. Why had there been that increase in the last five years, when, during the preceding five years, the whole expenditure was 430,000*l.*? That was during the time of the late Government. It appeared to him that these vast sums of money were expended without necessity. He was sure that the hon. Gentleman could not show the necessity for it; 210,000*l.* for the widows of Navy Officers was principally paid by taxes on the poor out of their nine shillings a-week, whilst in their misery there was nothing left for them but the sorrows of the workhouse. He called upon the House to compare the manner in which the accounts were presented to them from the War Office and the Admiralty upon this very subject—the pensions to the widows and children of Officers. In the one, they were clear and distinct. He gave no opinion upon them, but in the other case a much larger amount was required, and yet no explanation whatever was given. He thought he had now stated sufficient reasons to show why the Estimates should be referred to a Select Committee, where they might examine all the items, and go into all the details. He was perfectly convinced of this, that if they had for that purpose a Committee such as that of 1828, the result would be a great saving of expenditure.

Mr. *Fielden* said, before voting Supplies, it had become necessary to inquire how the sums to be voted had been raised, who were taxed and made to pay them, the manner in which taxes were levied, and whether or not a mode of levy, legal, fair, and impartial, was carried on, or one of great oppression and injustice? and it was particularly necessary to ascertain whether or not wrong had been committed by official persons in carrying into effect the avowedly arbitrary enactment called the Property and Income Tax Act? He believed that a considerable part of the money raised under that Act was forced out of the pockets of tradesmen and others by the most arbitrary process of assessment this country had ever known. The injustice towards the poor done by indirect taxation on the articles of necessity they purchased, and on which the duties were so much higher per cent. than on the articles consumed by the rich, had been so ably exposed by the hon. Member for Coventry, that he would not say more upon it than that the case had shown so great an injustice to the poor as to warrant the withholding of Supplies, unless an assurance were given by Ministers that these glaring irregularities should be corrected. The Stamp Taxes, and many others, were also unfairly imposed and enforced, and equally required revision; but on that occasion he proposed to make known to the House the iniquitous and oppressive mode in which the Income Tax was assessed and exacted. He had heard of many cases in which persons had been assessed by the district Commissioners, and made to pay on profits derived from trade and manufactures, when so far from profit having accrued for the three years previous to the year of assessment, considerable loss had been sustained. These assessments had been acted on, the goods of the parties seized and sold, although they had tendered proof on oath to the fact that no profit existed. He concurred in an observation of the hon. and gallant Colonel, the Member for Lincoln, that this country was governed, not by Law, but by Commissioners, who swarmed over the land, whose powers were almost unlimited, and against whom there was no appeal. He was reluctant to speak on his own affairs, but he felt that he was performing a public duty in illustrating a great public grievance by reference to his own case. He was speaking now, not of the Property Tax, but of the Income Tax, and he would detail to the House what had happened, he believed, to many manufactures of his own class, by showing what had happened to himself. In his business as a manufacturer, he was, of course, subject to a tax on his property; but with respect to income from that business, he was subject or not, according as the business returned profit or not. He and his partners had received a letter, which he would read:—

"*Stamps and Taxes, Somerset-house, February* 14, 1844. Gentlemen—Her Majesty's Commissioners of Stamps and Taxes having directed immediate process to be issued for your arrear of Income Tax due the 20th of March last, amounting to 350*l*, and returned into the Exchequer, I beg to inform you that, in order to save the expenses of a levy by the Sheriff, the amount must be paid to Mr. Peter Ormerod, of Todmorden, the collector, before the 24th instant. I am, gentlemen, your most obedient servant, J. Timm, solicitor for Stamps and Taxes."

To Messrs. Fielden."

Now, he would wish the House to mark that that letter informed him and his partners that the Commissioners of Stamps and Taxes had directed process to issue for arrears of Income-Tax, due the 20th of March last, that was more than eleven months ago. Why had not that demand been enforced before? He had asked for no credit. If the debt was due from him and his partners, they ought to have been made to pay it long ago. He denied the debt. He feared that many, who could less afford to lose the money, had been assessed with equal injustice, but made to pay because too weak to offer resistance. He would now go into details, for it was right that the House and the country should know the vexatious and unjust manner the taxes were wrung from those who paid them. If he and his brothers had been the only parties unjustly treated under the Income Tax, the House would not have heard a word from him of their case; but when he knew that great numbers complained of the same grievance, and having been again and again applied to to take up the question, and expose the injustice and arbitrary proceedings of the officials and Commissioners, he should incur the charge of negligence if he did not do so. As the case of himself and his partners would probably be the case of thousands, which was, of course, familiar to himself, he would state it. In the autumn of 1842 he received a printed form, requiring him to make a true return of the profits of his trade under schedule D, for the year ending the 5th of April, 1843. He filled up the paper with the word "nothing," as the fact was. On the 24th of January, 1843, he received a notice that the Commissioners had made an assessment on him for the year ending the 5th of April, 1843, in these words:—

> "To duties granted by schedule D on profits on trade, professions, foreign property, casual profits, 12,000*l*. Duty payable, 350*l*. Dated this 31st of December, 1843. J. Woods, Clerk to the Commissioners."

He gave notice that he should appeal, and on the 16th of February, 1843, attended the Commissioners at Rochdale, and being, as they required, first sworn, was examined by them, and stated that he had made a true return, that the business of himself and partners had not yielded a profit, but had caused a loss. The chairman asked if there was no profit on the average of the then three last years. He answered no; that he had been required to make a true return, and any other than the one he made would not have been true. One of the Commissioners said,

> "Mr. Fielden should understand, that in ascertaining profits no interest is allowed to be deducted for the capital employed in their business."

He answered that he had so understood the Act, and that the capital he and his partners had employed in their business had been entirely unproductive, and had diminished in amount during the three years. Other questions and answers followed, after which the Chairman of the Board said, that the Commissioners were invested with extraordinary powers of inquiry, and a precept was handed to him to fill up and return to Mr. Woods within six days. He (Mr. Fielden) said he would see what return he could make to it, and on rising to leave the room, he was informed by the surveyor of taxes, then present, that he would be wanted there again after the precept was returned. He assented, and was told he should know when and where. The precept required a debtor and creditor account of profits on an average of the then last three years, and of gross profits, which were to be very full and particular. Within the six days he returned the precept as required, and stated in it—

> "That we had no means of making out a debtor and creditor account of profit and loss on an average of the last three years, nor of our gross profits, otherwise than by an account in the following form, which would require an estimate of stock on hand both at the beginning and end of that period, and the result would show a heavy loss without any interest charged on capital employed:—
>
> "PROFIT AND LOSS.
>
> Dr. To stock three years ago .. ..
> To materials purchased since ..
> To wages and expenses paid ..
> To rent of premises charged with Property-tax under schedule A
> Cr. By stock now .. .. ..
> By sales .. ..
> By bad debts and other losses in trade .. ..
> Balance showing a heavy loss on the last three years" .. ..

To this notification no answer was returned from the Commissioners, but he and his partners were served with a notice, dated March 30, 1843, by the collectors of the district, that they were returned in a schedule to the Commissioners of the district as defaulters in the sum of 175*l*. then due, and that, unless paid, process would issue against them. On receiving this he applied to the Chancellor of the Exchequer, who received him most courteously, and listened to him with attention. The right hon. Gentleman made inquiry, and the result was, that he received from him a copy of a letter which had been addressed to the Commissioners, through Mr. Woods, their clerk, by the Commissioners of Stamps and Taxes, through Mr. Pressley. This was the letter:—

> "*Stamps and Taxes, London*, 27*th of March*, 1843.—Sir, I have laid before the Board your letter of the 15th, relative to the case of Messrs. Fielden, under the Property-tax Act, and, in reply, I am directed to state, that in their opinion, the proper course to be pursued is for the Commissioners to direct another precept to the parties, under the authority of section 120, requiring them to deliver within a reasonable but limited time a schedule containing certain specific particulars, such as the amount of the several items set forth respectively under the head of 'debtor and creditor,' in their letter of the 21st ultimo addressed to you, and any other particulars which the Commissioners may think requisite to enable them to determine the appeal; and that, in default of the parties delivering such a schedule within the time limited, the Commissioners will be justified in confirming the assessment; or, if such a schedule should be delivered, the Commissioners may, in like manner, call for any further information that they may deem requisite and so on from time to time until they are satisfied; and further, that they may call upon the parties to be examined *viva voce* before them, but not upon oath; and lastly, that they may require the parties to verify on oath the statements contained in the schedules delivered, and also the substance of their answers taken down in writing on their *viva voce* examination (the parties having liberty previously to amend such schedules and statements provided by section 122); but, that if the parties do so verify the same on oath, the Commissioners are bound to decide the appeal according to the result of the schedules and examination. I am to add, that the Board think that a precept, calling upon the parties for a debtor and creditor account of profits and loss is too general and vague to justify the Commissioners in confirming the assessment in the present stage of the proceedings. I am, Sir, your obedient servant, C. Pressley. To J. Woods, Esq., Clerk to Commissioners, Rochdale."

This letter suggested two things to the Commissioners: first, that they should require of him and his partners a schedule containing certain particulars, such as the amount of the several items set forth respectively in the form which he had sent them, to be delivered within a reasonable time; and, secondly, that the account called for by the Commissioners was too general and vague, and that they were not justified in confirming their assessment. He had never since been called upon for the account suggested by himself, and thus plainly approved by the Board of Stamps and Taxes, and yet he had now received the notice that his goods were to be seized by the Sheriff to satisfy a demand, that he had the authority of the Board at Somerset House for saying was not legally due. He and his partners had resolved to resist this arbitrary and illegal act of the Commissioners, and though they would suffer the Government, if it liked, to come and seize upon their property, they would never pay a tax on profit that had not accrued to them, and which they had already sworn they had not realised. So much for the year 1842; the year 1843, he also returned "nothing," as profits of trade as before. On the 27th of December, 1843, he received notice that the Commissioners had again assessed him for profits, 12,000*l*. This notice was dated 15th of December, 1843, and signed "J. Woods, clerk to the Commissioners." He again appealed, and on the 11th of January went before the Commissioners, and stated to them that he and his partners, instead of a profit on the three years preceding, had sustained a heavy loss; that they held a heavy stock of goods which had been accumulating over that period, and that the value of their stock upon the same quantity of goods had been less and less every succeeding stock-taking during that period; that the raw material used in their manufactures had fallen lower and lower until July last, when it was at the lowest; that they had kept up wages, which, had they been reduced, would have caused much suffering among their work-people—that they had made bad debts to a considerable amount—that the accumulated stock at the end of the three years was not worth what it had cost, and that the capital employed under schedule D at the commencement of the three years had diminished in amount at the end of that period. After many questions on these points, a precept was put into his hand requiring answers to these questions:—

> "State each trade or profession you are engaged in, where they are respectively carried on, and who are the partners in each; state the capital employed in each concern, distinguishing the amount belonging to each partner.
>
> "State the amount of interest on your banking account.

"State the income from Ireland, or from any of Her Majesty's Dominions, or from any foreign securities or possessions.

"State the amount of the balance of profits in each concern, separately, for each of the three last years.

"State the particular deductions made in forming the above balances—

"For rent or taxes, or other expenditure of or connected with the dwelling house.

"For rent, or taxes, or other expenditure of or connected with buildings used for the purposes of trade.

"For bad debts, specifying whether the parties are bankrupts, or compounding, or how otherwise.

"For wages or board of servants.

"For improvements or repairs of premises, or depreciation in value thereof.

"For average losses.

"For repairs or supply of utensils or machinery, or depreciation in value thereof.

"Have you made any and what deductions for losses by bank or railways, or mining adventures, or any other not connected with your trade? or from capital withdrawn from trade? or from sums employed or to be employed as capital therein, or on account or pretence of interest or capital? or on account of the maintenance of yourself, family, or establishment? or for any annuity, interest of money, or other payment gratuitously allowed or otherwise? or on account of any monies, property, or unappropriated credits, reserved or set apart, being portion of or appertaining to your capital or undivided profits, not elsewhere assessed?

"You will bear in mind that the account is to embrace the period of three years, notwithstanding any change or succession of a firm, or of the partners therein."

The 20th of January was fixed on as the day for a further hearing on this subject, and on that day he attended the Board again, and, having looked over the questions, told the Commissioners that he could not possibly answer them, and he did not believe any one carrying on such a business as his could do so; but that he had made out a statement, showing the amount of capital in his business at the beginning of the period for which they had asked for a return, and the amount of the same at the termination of it, which showed a great loss. A long examination followed on this document, in which he informed the Commissioners that these amounts were obtained by valuations made by him and his brothers at their stock-takings, not to meet any demands for profits on income, but to determine each partner's share and interest in their joint property at the time, and what the representatives of any one or more, dying before the next stock-taking, would be entitled to receive out of the concern; that he and his partners signed a balance sheet at every stock-taking. He asked the Commissioners what more they required of him? Whether they disbelieved him? They answered, "No." He desired to know if they wished to see his books. They again answered, "No." He told them that if they did, and he did not force from them an acknowledgment of the truth of what he said, and that he had a losing business, he would submit to the charge. He was then asked to withdraw; and being called in again, was told by the Chairman that they had confirmed the assessment, but that if, on the 5th of April next, he could prove to them that he had no profit in his trade on the year ending that day, they would make a return of the duty as directed by the 133rd Section of the Act. He told the Commissioners that they had done him injustice, and that he would not pay, upon which the Chairman observed, that the Commissioners had been instructed by the officials present. With respect to the first year he had, he thought, clearly shown that the Commissioners had not acted in accordance with the law, nor in accordance with the suggestions from Somerset House. He called on the Government to inquire into his own and other cases of the like kind, before he could sanction the vote of supply. As to the second year in which he had been assessed, he called on the Government here to interpose and prevent an equal violation of this law, sufficiently odious when administered in its letter, but intolerable as administered by the present Commissioners. What right had they to require him to attend there again on the 6th of April next, and prove whether or not he had made any profit on the year ending on that day? None. It was a stretch of power which he called on the Government to look into at once, for he could tell them that, although this had been borne once or twice, there were murmurs arising that would burst forth on a repetition of this injustice. The Act itself contained a rule for the computation of profits on an average of three years preceding the year of assessment. The words were these;—

"Rule 1. The duty to be charged in respect thereof shall be computed on a sum not less than the full amount of the balance of the profits or gains of such trade, manufacture, adventure, or concern, upon a fair and just average of three years, ending on such day of the year immediately preceding the year of assessment on which the accounts of the said trade, manufacture, or concern, shall have been usually made up, or on the 5th day of April preceding the year of assessment."

Looking at that rule, he thought the Commissioners were prohibited from an inquiry as to profits accruing in the year of assessment, and this he told them, and that when that year came to charge he would deal honestly by them, and make a return on that, unless, indeed, they drove him, by their acts of injustice, to follow the example of a neighbour of his and make no return at all. He did not hesitate to support the Motion for postponing Supplies till grievances such as these and others complained of had some promise of redress.

Mr. *S. Herbert* thought it would save the time of the House, and be in every way more satisfactory, if he reserved his explanations upon the several points mooted by the hon. Member for Coventry, until they got into the Estimates, instead of introducing any preliminary explanation in regard to them.

Dr. *Bowring* begged to say a few words in explanation of the grounds upon which he was prepared to vote for the Motion of the hon. Member for Rochdale. The question was one which involved a great constitutional principle, and a great popular right. He thought that it must be admitted that the unrepresented portion of the community laboured under a grievous wrong in being obliged to pay taxes which were imposed upon them by the authority of this House, in which they had no persons deputed by them to watch over their interests. He thought it hard and cruel, unjust and unconstitutional, that the unrepresented millions of the community, whilst they had to pay taxes, should have no voice in this Assembly. This was a grievance which met them at every turn—it was one which was deeply and seriously thought upon by the public, amongst whom a very deep-rooted feeling of discontent had manifested itself upon the subject. He would not trespass longer upon the time of the House, than to repeat his approval of the Motion, and his strong sense of the injustice of the case, when out of twenty or thirty millions, which our population extended to, only about one million was represented.

The *Chancellor of the Exchequer* said, with respect to the complaints made by the hon. Member for Oldham, he begged to say, that Her Majesty's Government had no more control in the matter he complained of, than any individual Member of the House. The hon. Gentleman some time ago said he had reason to complain of two Commissioners in his district, and he (the Chancellor of the Exchequer) caused an inquiry to be made into the subject. It appeared that the hon. Gentleman had made a *nil* return, that he had been applied to make a new return, in conformity with the requirements of the Act, and the hon. Gentleman refusing to do so, after some discussion, he was assessed. The Government had no power to interfere in such a matter; but there was a Clause in the Act which gave the power to any person who considered himself aggrieved, through the incompetency of the Commissioners to give a proper decision on his case, to make an application to special Commissioners to investigate it.

Mr. *E. B. Roche* in supporting the Amendment of his hon. Friend the Member for Rochdale, was anxious to offer a few observations explanatory of the vote he was about to give. He was quite aware that it was an extreme course to interpose any impediment to the passing of the Estimates, and could only be justified by an extreme case; but he thought the present was an extreme case. Now he would take the statements of the right hon. Gentleman opposite, and the Law Officers of the Government, as to the present condition of the country with which he (Mr. Roche) was connected. It had been asserted by those hon. and learned Gentlemen that Ireland (which contained one-fourth of the whole population of the United Empire) was convulsed with a treasonable and seditious agitation; and that a great majority of the people of that country were united in a conspiracy for the dismemberment of the State. If this great disaffection did exist, how had it been met by the Government? Had they reasoned with the people, or treated them as reasonable beings? No; but they had tried to put down the agitation by what was called—and in this instance it was not misnamed—the strong arm of the law. But could they suppose that Ireland, when she put forth a manifesto of *bonâ fide* grievances, would submit to be bullied out of it? He wished to know what was to be done for that country? Were the Government united; were the various Members of it of one mind upon the important question how Ireland was to be governed? It was true they had some conciliatory speeches during the recent debate. The right hon. Baronet at the head of the Government had made a conciliatory speech, but it was too much to expect his constituents to be satisfied with a conciliatory speech coming from one Member of that which is not a united Cabinet. But the speech of the noble Lord the Secretary for the Colonies (Lord Stanley) was anything but conciliatory. Then they could not forget that the right hon. Secretary for the Home Department (Sir J. Graham) had only last year declared that conciliation in reference to Ireland was exhausted, and if they looked at the right hon. Baronet's speech of the other night they would find that very little alteration had taken place in his opinions. He had no desire to allude to—though it was impossible to forget the fact—that the right hon. Baronet had stigmatised his (Mr. Roche's) hon. and learned Friend and colleague (Mr. O'Connell), and those who had joined with him, in the Repeal agitation, as convicted conspirators. But what he was anxious to know—what his constituents were anxious to know — was, what was to be done for Ireland in the shape of legislation? How was the question of the Franchise to be dealt with? Had they heard anything in the speeches either of the right hon. Baronet at the head of the Government or the right hon. the Home Secretary to elucidate that important question? There was a habit which obtained amongst the leading Members of the Government of beating about the bush when they came to speak of practical subjects of legislation. They would tell you what you asked for, and what you might ask for, but not what they would give you. He had been sent to that House by his constituents to ascertain what the intentions of Government were in the way of legislation; what was really to be done for them: and now what answer was he to give them? Another important question was the Church Establishment in Ireland. Now, in what state had that been left by the debate of the last fortnight? His right hon. and learned Friend the Recorder of Dublin had expressed himself satisfied with the declarations of the Government upon that subject; but was it possible that the right hon. and learned Gentleman could be satisfied with the statement of the right hon. Baronet (Sir Robert Peel)? But whether or not, he could assure the House that it would not be sufficient for the people of Ireland; they would not be satisfied with the announcement that the right hon. Baronet had made, the statement which had satisfied the right hon. the Recorder, that it was now agreed the Protestant Established Church should be maintained as a political institution. As commissions were now so fashionable, he thought they might well, before they came to such a determination, appoint a commission to inquire how far that Church had served them as a political institution? The people of Ireland would never be content until the political nuisance which the Established Church was felt to be in Ireland was abated. Returning to the subject of the Franchise, if the noble Lord opposite would, on the part of the Government, bring forward a good, useful, and fair measure, it would be received with gratitude, and should have his (Mr. Roche's) best assistance. But it was not enough to give to Ireland a fair Franchise; the Irish people required not only a fair and reasonable Franchise, but a fair representation in Parliament. They could not have confidence in the legislation of that House while they knew that their representatives were in a miserable minority as compared with the representatives of England. They wanted to know if any and what addition there was to be to the Franchise, and also whether there was to be any addition in the number of their representatives, so as to place Ireland in this respect more upon an equality with England in proportion to the population. He did not wish to disturb or agitate the people of Ireland, nor did he desire to interfere with the progress of legislation in that House, if they gave to Ireland an independent Legislature. Send him to Ireland to legislate on Irish ground, and he would make his bow and take his departure; but while they refused to give to Ireland that equality to which she had a right, and at the same time told him (Mr. Roche) that it was illegal to agitate in Ireland, to force the British Parliament to give to her an independent representation, he, for one, would lose no opportunity of bringing the grievances of his country under the notice of the House. What he complained of was, that Government were not alive—they thought they were alive, but he asssured them they were not —not alive, he meant to the dangers of their Irish policy. He had no desire to aggravate those dangers—dangers important to the stability of the country. He admitted it fully. But what he held was, that the Government had not attempted to avert those dangers as statesmen. It had been admitted on both sides that the present occupation of Ireland was a military one. And it could not be denied that there were 20,000 troops and 10,000 armed police in Ireland, and a large number of armed steamers in the harbours and off the coast. But notwithstanding this large amount of force which was now maintained in Ireland, he must tell both sides of the House that they were wrong—they did not hold Ireland by military possession. They had fortified barracks, armed fortresses, and armed steamers, but they had not an armed occupation of the country. The only parties who had possession of the country were the Irish people. You hold it not by military possession, but by the strong affections and deep love and unchanging loyalty of the Irish people for their present Sovereign. Notwithstanding the ignorance which was supposed to prevail amongst the Irish people, he assured the House they well understood the principles of a limited Monarchy and a representative Government. They could distinguish between the prejudices of the Monarch, and the delinquencies of the Government. They remembered what the condition of the country was in years past and they knew what religious bigotry and national hostility in this country would make people do; and they could distinguish between the unpopularity of the present Government, and the love and affection which they felt convinced, and which he (Mr. Roche) knew the Sovereign felt for her Irish subjects. He remembered, that the first act of her reign was to write to her Lord Lieutenant to express her determination, that equal rights and redress of grievances should be enforced in Ireland. Therefore he said, let them not deceive themselves. The possession by which Ireland was held, was one far more secure than if they had all the armies in Europe in that country—it was the possession of the people. Her Majesty held possession of the hearts of the Irish people, and her Ministers held military possession of the barracks, fortresses, and harbours. He had no wish to waste the time of the House, but he could not avoid the expression of his opinion, and he did it without any disrespect, that the Statesmen by whom the country was now governed were not equal to the great occasion to which we had arrived.

Mr. *Gisborne* did not take it, as a matter of course, that while grievances existed, the House must necessarily proceed to vote the Estimates, or, on the other hand, that by voting the Estimates, they declared that no grievances existed. If the Amendment of his hon. Friend had been to consider the question of the Franchise, the financial arrangements of the Government, or any specific grievance, before going into Committee of Supply, he should support it. But to a proposition for postponing the Estimates until after Easter, without saying what was to be done in the meantime, he could not assent.

The House divided on the question, that the word proposed to be left out stand part of the question. Ayes 105; Noes 11;—Majority 94.

List of the Ayes.

Acland, T. D.
Ainsworth, P.
Arkwright, G.
Arundel and Surrey, Earl of
Baillie, Col.
Baillie, H. J.
Baring, hon. W. B.
Barnard, E. G.
Baskerville, T. B. M.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Chetwode, Sir J.
Clerk, Sir G.
Clive, hon. R. H.
Cockburne, rt. hn. Sir G.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Farnham, E. B.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, rt. hn. W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hay, Sir A. L.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Hughes, W. B.
Humphery, Ald.
Jermyn, E.
Jones, Capt.
Kemble, H.

Knatchbull, rt. hn. Sir E
Knight, H. G.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
McNeill, D.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Morgan, O.
Morris, D.
Mundy, E. M.
Napier, Sir C.
Nicholl, rt. hon. J.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sandon, Visct.
Shaw, right hon. F.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stuart, W. V.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Ald.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Troubridge, Sir E. T.
Turner, E.
Vivian, J. E.
Wawn, J. T.
Wortley, hon. J. S.
Yorke, hon. E. T.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Blewitt, R. J.
Bowring, Dr.
Duncan, G.
Duncombe, T.
Fielden, J.
Hindley, C.
Maher, N.
O'Connell, D.
Plumridge, Capt.
Roche, E. B.
Williams, W.

TELLERS.

Crawford, S.
Rawdon, Col.

On the Motion that Mr. Speaker do leave the Chair,

SUPPLY—NAVY ESTIMATES.] Sir *C. Napier* rose to call the attention of the House to the constitution of the Board of Admiralty. It would be in the recollection of hon. Gentlemen who had paid attention to naval subjects, that for many years previous to the time when the office of First Lord of the Admiralty was filled by the right hon. Baronet opposite (Sir J. Graham), the affairs of the Navy had been managed by the Boards, namely, the Victualling Board, the Navy Board, and the Board of Admiralty; and under those Boards it was well known by every naval man, that the Navy had been most improperly managed. First, in regard to the construction of ships, 44-gun ships were built with their lower deck ports not three feet out of the water, and consequently, in the majority of cases, the lower guns were useless; the 52-gun ships were but little better; and then there were the 26-gun frigates, which could neither fight nor run, were not strong enough to fight, and had no keels to enable them to run away—this was the reason that so many of those vessels had been captured by the Americans. In fact, corvettes, frigates, and almost every class of ships had, under the management of the Navy Board been constructed in the most defective manner, even in comparison with the ships of other nations. Then there was the construction of the dockyard at Sheerness—a hobby of Lord Melville's—which had cost the country four or five millions, and was perfectly unfitted for the purposes for which it had been constructed. It was built on a lee shore, in a swamp, and he did not know how many millions of piles had been driven into the sea to form a foundation. It had been undertaken at a time when steam was making great progress, and when every man might have seen that vessels might ere long be towed further up. It was at all times exposed to the enemy, and he very much doubted whether it could ever be effectually defended. The right hon. Baronet was justified, then, in altering the constitution of the Navy Boards. The right hon. Baronet, assisted by Sir T. Hardy, than whom a more gallant and distinguished officer had never existed, and by Admiral Dundas, had consolidated the several Boards, and had placed the whole direction in the hands of the Board of Admiralty, and so far he (Sir C. Napier) fully concurred in what they had done. For two years before the right hon. Baronet had entered the Admiralty, he (Sir C. Napier) had himself recommended the adoption of a much stronger measure than was afterwards introduced. He now came to the consideration whether the system which had been substituted for the old one was good, or whether there were not still defects which might be remedied. The right hon. Baronet, in bringing forward his scheme, stated the objections of many distinguished officers, including Admiral Rodney and Earl St. Vincent, to the old constitution of the Navy Board. The new plan divided the government of the Navy into five branches—there was the Surveyor of the Navy, the Accountant General, the Storekeeper-General, the Victualling Department, and the Medical Department; and an additional Lord of the Admiralty was appointed to take up these duties. Now every naval officer who knew what these duties were, knew that they were very great and laborious. Too much duty was put upon the Board of Admiralty. The hon. and gallant Member here quoted the opinions of several Lords of the Admiralty, stating objections to the new constitution of the Admiralty. The officers of the Navy Board were each put under several Lords of the Admiralty. They came in with every change of Ministry, and were necessarily very ignorant of the duties of their departments. But the plan was not rigidly adhered to, as the Lords of the Admiralty mingled in each other's duties. They went down from time to time to Somerset House to the office of the Navy Board, where they merely asked the officials there how things went on, took their hats, and went off again, leaving all the real duty to the officers of the Board, who were not responsible. He must state, however, that the Victualling and the Medical Departments were well conducted, because one Lord of the Admiralty was at the head of each. But the officials in the dockyards had a great number of masters. The Accountant General, the Surveyor General, and the Storekeeper General all corresponded with the superintendent of the dockyards. He now came to the formation of the Board of Admiralty. He had moved for some returns in 1842, with a view of showing how many persons had been taken into the service of the Admiralty from the Navy. With respect to the principal departments he found, that there were in the Surveyor General's Office two persons who had never been at sea, in the Accountant General's four persons similarly situated, in the Storekeeper General's two persons in the Victualling Department, and in the Hospital six, making altogether fifteen persons in these important offices who had never seen any service. The same principle was carried out in other departments. He had, in 1842, moved for a return of the number of men who had seen actual service at sea, and who were now employed at the Admiralty, from the post of watchman upwards, and he found there were only two in the Surveyor General's Office, four in the office of the Accountant General, two in the Storekeeper's Department, one in the Victualling Department, and six in the Hospital Department—only fifteen in all, who had ever been at sea, shared any portion of the expenses of an establishment which cost the country 110,000*l.* per annum. He found also by a return made in 1843, that there were only 165 men in the civil service, including the dockyards, who had ever been at sea; whereas it would have been highly creditable to them to have given employment to old sailors, serjeants of marines &c. One great advantage had accrued to the public from his motions upon this subject, and which of itself was sufficient to repay him for his exertions; it was a great point gained, that on every ship returning to port, the captain was obliged to make a return of his best officers to the Port Admiral, thus ensuring to meritorious services their fair consideration and ultimate reward. He had moved last Session for a return of the number of civil situations under the Admiralty and Navy Boards, together with the situations from whence the occupants were taken, and by whom the parties were recommended. His object, was to get at the number of gentlemen's servants and butlers who were put into those situations, but the hon. Gentleman opposite (Mr. S. Herbert) would not give him this information—he would only give the numbers, but would not state by whom recommended, nor what the previous position in life. He had himself a servant, and a friend of his had another servant, and both of them applied to him to get them into the dockyard. He was refused at once, but they nevertheless got in, though how he could not tell. He would not name them for fear they should be turned out, but such was the way in which these situations were bestowed. He would now call attention to the manner in which promotions in the Navy had been conducted during the last twelve or thirteen years. They were told, after the present First Lord of the Admiralty had been some time in office, that he had introduced a spirit into the Navy which had not previously existed—that the ships were in the highest state of order and efficiency, and that the officers knew that they had but to excel in discipline and their promotion was safe. It was then alleged that Government went on too fast in promotion; and when Lord Melbourne came into office there was a Treasury Minute that the promotions should be one in three. Now, what had been the fact? In 1830 there had been thirty-one commanders made captains, thirty-one lieutenants made commanders, sixty-seven midshipmen made lieutenants, sixteen second masters made masters, twenty-two surgeons, and fifteen pursers. The obituary of that year was twenty-two captains, twenty-one commanders, and seventy-eight lieutenants. At the end of thirteen years, from 1830 to 1843, there had been 332 commanders made captains, 535 lieutenants made commanders, 945 midshipmen made lieutenants; and the obituary was 284 captains, 359 commanders, and 928 lieutenants. After this table he hoped they should never hear a word more about the Treasury Minute. Unless they came to a regular system of giving a Retired List to the Navy it was impossible to look out for the smallest amount of economy in promotion. He asked for this now on stronger grounds than he before had done, because, when he had before asked, it was stated that the Commission, which a most distinguished officer, Sir Thomas Hardy, was not able to sign, had decided that there was no necessity for a retired list. He thought the right hon. Baronet would incur great responsibility if he did not at once entertain the question, and bring the British Navy into a state of efficiency, by giving a moderate sum to induce these men to retire from the list—presenting a list of lieutenants who were deficient, and rating them as marines were rated when they were allowed to retire on half-pay. Having obtained that point, he should say that no officer should be promoted till a vacancy took place. Let the Minister take one-third of the promotions to himself, give one-third to seniority, and one-third to the Admiralty. He again begged to impress on the right hon. Baronet the absolute necessity there was (in order that the Navy might be in efficient state) to show how many effective officers we had, and to let the rest retire. It appeared by the evidence given before the Committee on Shipwrecks, that a number of officers and men exerted themselves in saving the lives of their fellow-subjects. By the evidence of Captain Sparshot, who had been sixteen years in the department, in reply to questions by Captain Pechell, it appeared that in no one instance had any of these officers been promoted, notwithstanding strong recommendations to that effect. The gallant Officer read the evidence of Captain Sparshot on this point. He gave the right hon. Baronet opposite full credit for the changes he had effected, which, considering the extraordinary difficulties he had had to encounter, he could not have accomplished unless he had been backed by great majorities, yet still he thought that further changes were required. As to the masters, every officer who sat in the House, and every man who had been at sea, must know the important services which a master had to perform. They must know that a captain, without a good master, would not be able to conduct his ship. When the right hon. Baronet came into office, a new regulation was made, by which the charge of the stores was taken out of the hands of ignorant warrant officers,—very good men to make boatswains, but, generally speaking, illiterate men—men who could hardly read or write, in consequence of the little encouragement which was given to nautical education,—and the right hon. Baronet appointed the masters to take charge of the stores, and gave them a certain allowance. It worked remarkably well; the only objection was, that, when the ship was indented the indenting was followed up by getting drunk. The charge of the stores was afterwards given back to the warrant officers. The captain was responsible for these stores, in conjunction with the master, and the master, at the present moment, got no remuneration. There was a late regulation at the Admiralty which gave the masters a most extraordinary sort of remuneration, although some of the regulations were very good. The pay of a master of a three-deck ship, not having charge of the stores (and it was impossible he could have, because, when a warrant officer died, a man was promoted in his place) was 212*l.* This was the pay of the master of a first-rate, the highest appointment he possibly could have, unless he got into a dockyard or became master of a fleet; and yet would any man believe that the master of a small brig or vessel, where perhaps the whole amount of stores was not worth 100*l.*, who might have been made a master the other day, and who did not know his business as well as the master of a first-rate, received 219*l.* 12*s.* 4*d.*? So that the master of a three-decker, having charge of an immense ship, in all times and in all weathers, who, if he did his duty, was up all night—who must be on deck whenever the ship was near land—who had the charge of the masts, the yards, the sails, the rigging, and everything, that could be put on the masts—received 7*l.* or 8*l.* less than the master of a small craft having charge of the stores. Again, the master—who was the best seaman in the ship—who was a trustworthy and attentive man, without whom no captain could go to sea (for he would not stop on board a ship one day if he had not a master in whom he could put confidence)—ranked under the junior lieutenant of the ship. Nay more; if a man was made acting lieutenant, to-morrow, the master ranked below him. Now, he would do away with the very name of master; he should be the same as a lieutenant; he should go through his examination the same as at present, but he should be just as eligible to be made a commander to-morrow if he distinguished himself, as the lieutenant, who might be made a commander at the end of two years. The present arrangement was an injustice to the masters, and he hoped the Admiralty would redress it. He hoped they would do justice to the masters, for it would be acceptable to every captain in the Navy and give no dissatisfaction to young officers, many of whom were too willing to learn from them what they ought to do. He came now to his own proposal. He had before said, that he approved of what the right hon. Baronet had done, and he only wished to make it more complete, and with very little trouble he thought it might be more perfect. He would first mention his own opinion in 1828, before the right hon. Baronet came into office. It was expressed in a letter addressed to a Member of Parliament, who afterwards became Lord of the Admiralty in 1830. He had long disapproved of the state of the Navy Board. He said that it was generally supposed that the office of Lord High Admiral was too high a situation for an individual; recourse must then be had to the Board. If there was a civilian at the head of the Board he should be assisted with the advice of Rear Admirals, which situation should be abolished as a sinecure, &c. The right hon. Baronet's arrangement was pretty nearly the same as this. The right hon. Baronet had referred to the constitution of the Ordnance Department: he (Sir C, Napier) wanted to see the Navy conducted pretty nearly in the same manner; he would appoint one of the Lords of the Admiralty superintendent of the dockyards; he would appoint another Lord of the Admiralty Comptroller of the Victualling Department, which was under one Superintendent; and then the Accountant General or the Treasurer of the navy, or whatever man you thought proper, should be appointed to attend to the accounts—then we should have the First Lord of the Admiralty or Vice Admiral of Great Britain to carry on the details of the Navy. Very few men were able to get through the work of the Admiralty as it was carried on at the present moment. As to the construction of ships, it was well known that there had always been great errors and great faults. Ever since he had been in the Navy, whenever they had a Surveyor of the Navy he had his own notions his own ideas and his own crotchets. Whether the Admiralty had the power of controlling him or not, he was not prepared to say, but he should say, from the specimens of ships which had been produced at various times, that there was great ignorance and great stupidity in the whole plan of ship-building. When the late Navy Board was in office it was impossible to persuade them that things were wrong; they resisted all attempts at improvement. Any man of ability or talent was obliged to give security to a large amount before he could get permission to build a ship, as in the case of Captain Symonds. He believed that Captain Symonds deserved great credit for what he had done in his office of Surveyor of the Navy, but still he was not perfect, he had his crotchets as well as other Surveyors, and unless he was strongly controlled he would destroy every ship in the navy, in order to bring them all under his own system. Although Captain Symonds had built some of the finest ships in the Navy, still he had himself given proof that he was not perfect, and it was to be tried yet whether his ships would be able to stand the exigencies of a long war, wherein they might be obliged to blockade an enemy's port for months in all sorts of weather; whether they would stand that or not, time and experience would alone tell. He had had the command of a squadron of six ships of the line in a very heavy gale off Alexandria, and he had fully expected that under such circumstances he should have seen the "Vanguard" the weathermost ship of all; and he was astonished to find that two other ships had the advantage of her. He trusted the Admiralty would not allow Captain Symonds to run away with the whole of the building of the ships; he knew they were following a different plan; that they had given orders for ships at the various dockyards, and had employed various builders upon them. He highly approved of the plan, as it would induce competition, and in ship-building it always did good. Of course, he would say, let the Surveyor build some, and let his ships come into competition with the other masters. Now, in reference to the magazines of ships, within a few years numerous alterations had taken place, and at an enormous cost to the country. He had heard of that, and moved for a Return of the number of ships which had been altered, and he found that within a very short period there were eleven ships whose magazines had undergone alteration. The cost of the whole he had not been able to arrive at, but he knew that the cost of the alterations of the Powerful of which he had the command, was no less than 7,463*l.* At one time, one Surveyor of the Navy got the crotchet in his head that it was necessary to arm the sterns of all our ships, and they were accordingly all turned into round sterns, of course at a great expense. He had moved for Returns of the cost, but it was declined; however, that crotchet did not last long, and the round sterns were remanufactured into another kind of round sterns; of course at another great expense. There was the Trafalgar, which was launched at Woolwich, before Her Majesty, and amidst immense pomp. It was proudly boasted that she was the most perfect ship in the British navy. Well, she was taken down to Chatham, and there all the pretty work of Mr, Laing was knocked to pieces, and the stern of some one else put in. He thought the Surveyor ought not to be attached to the Navy Board at all—he should be kept at the elbow of the Admiralty and all calculations relating to ship-building laid before him, upon which he should be called upon to give an opinion. During the late American war, it was found that our 46-gun frigates were totally unable to cope with the heavy frigates of America. Well, every one would have thought that that class of ships would have been abolished. But no, the Admiralty set to work and built seventy or eighty of them, and there they were now almost useless. One of them, the Penelope, had been cut asunder lengthened, and made into a steamer. When her engines were put in, and she was loaded with 500 tons of coals, her lower ports were no more than 3 feet 11¼ inches from the water, while her paddles were 8 feet in the water, and they ought to be no more than 3 feet. Her cargo of coals was reduced to 430 tons, when she started out of the harbour on her trial trip; still her main deck ports were no more than 4 feet 11½ inches out of the water, and her paddle wheels 7 feet in it in place of 3. Why she was fit for nothing but to drown her people. Yet they were building another at Chatham. Now she would not be one bit better than the Penelope. Not one of our war steamers could carry ten days' fuel, by which, in his opinion, they were wholly useless. Even the French did not make such mistakes as we did in our steamers. Had we sent down orders to Glasgow or Liverpool, we might have obtained perfect war steamers, for only those could build them who were acquainted with them. The Surveyor had not produced one steamer which was not a disgrace to the Admiralty. Even the Queen's yacht was a bungled job; such were the mistakes made in her build, that, even with very heavy engines, they were compelled to ballast her with 100 tons of lead. The Albion, when built was supposed to be a *chef d'œuvre*; it was boasted she was the first ship of the whole Navy—superior to the Rodney, the Nile, and every other. Why the Rodney when she sailed, was full of stores—she had fourteen months' provisions on board —she was full as the ship could hold, yet she drew less water; her ports were further from the water than the Albion's, with less than four months provisions on board. He hoped that the Admiralty would consider these matters and mend them.

Mr. *S. Herbert* said, there were some charges which the hon. and gallant Officer had made, which would, probably, come under consideration when the House got into Committee on the Navy Estimates, but there were other points in the speech of the hon. and gallant Officer on which he (Mr. S. Herbert) wished to offer a few (and they would be very brief) observations to the House. The hon. and gallant Officer complained of the constitution of the Board of Admiralty, and had criticised its conduct by the character of the ships which had been constructed under the authority of the Admiralty. He said the class of ships which had been built were of an extremely insufficient construction, but in making that charge as against the present Board, he forgot that in support of his charge, he had instanced several ships which had been built under previous Boards of Admiralty.

Sir *C. Napier:* I produced two instances—one before, and the other since, the constitution of the Board of Admiralty had been newly constructed. I admit, that the errors have been less since.

Mr. *S. Herbert* was sorry to have misunderstood the hon. and gallant Officer, and must take it that he had done so, on the hon. and gallant Officer's statement. The first charge then made against the present Board by the hon. and gallant Officer, had been as to the exercise of its patronage. The hon. and gallant Member stated, that having moved for a Return, he found that though there were between 600 and 700 persons employed in the various civil departments of the Admiralty, not a single naval person was to be found amongst them; but the hon. and gallant Officer had himself shown, that to 612 civilians already employed in the dockyards, 50 naval persons had been added since the Return was laid upon the Table. He was not opposed to the proposition for the employment of naval men in the civil service of the Admiralty. In some respects he had himself carried out that principle to a certain extent, viz., in the employment of pursers as clerks in the civil departments; but he knew that sometimes serious inconvenience arose from it. If an old purser was taken into the civil department as clerk, he no sooner learnt his duty than he was unfit for service; and, on the other hand, if a young, active, intelligent purser was so employed, he would not take it for a continuance, as he naturally was looking for another ship, and when he had learnt the business of a clerk he went away; so that constant interruptions took place, and after the trouble of teaching the man his duty, no advantage to the public service was gained from him. The hon. and gallant Officer had next pointed out as an excellent regulation to be adopted in the dock-yards, would be, that when ships were paid off it should be in the power of the Commander to recommend the most deserving of his crew for employment in the dockyard, on the condition of their going to sea again whenever called upon. This regulation had been already carried into effect, and by this means an efficient corps of labourers was maintained in the dockyards, and a reserve of able-bodied seamen kept ready to be put on board ship upon any emergency. With regard to special promotions, he supposed the hon. and gallant Officer would not object to the instances in which special promotions had taken place even for particular services in Syria, for services in the Chinese war, and also for services in that most pestilential quarter of the world, the Coast of Africa. These promotions were all for special services, and were free from the possibility of any charge of favouritism. As to the promotions from the Coast-guard service, he (Mr. S. Herbert) did not know an instance in which the Admiralty had deviated from the recommendations of the Controller of the Coast-guard, the officer in whom (as we understood) the selection was vested. As to the masters, the present Board had not been remiss; in the first place, they had been made commissioned officers, and some had been promoted lieutenants, and one Commander of Her Majesty's Yacht. With regard to the building of ships, it had been said the Admiralty ought to take care not to give a monopoly to any surveyor of the navy. He had every respect for the genius and ability of Sir W. Symonds; but he did not consider even that able individual to be infallible, and, therefore, other builders had been allowed to compete with Sir W. Symonds, and the Board had now no less than nineteen experimental vessels in the course of construction by different individuals. As to the expense of the alteration of the magazines, to which reference had been made, it had been found necessary; for even the plan of the hon. and gallant Officer himself had been adopted in one instance, and pronounced by two most competent officers, to be exceedingly dangerous. As time advanced, science advanced; improvements followed; and hence alterations had been found to be absolutely necessary. The hon. and gallant Officer had alluded to the Penelope. He would read the report of the Commander with reference to her draught of water. That gallant Officer stated:—

> "The draught of water on our arrival was 18ft. 5in. forward, and 20ft. aft. The height of the ports was 6ft. 3in. forward, 5ft. 7in. in midships, and 6ft. 3in. aft."

With respect to the qualities of the Albion, he would just read a letter which came to his hands from Cove a few days ago. It was addressed to Sir W. Symonds; and was in these terms:—

"It affords me great pleasure to comply with your request, and particularly so, as I am most conscientiously able to refute the vile and diabolical assertions respecting our noble ship. In the first place, I will give you her flotation when provisioned for five months, of all species, and she will now take another month's provisions comfortably under hatches, and more of bread. She stows 410 tons of water, and has 12 months' stores, with 10 months' fuel. Her draught then was—forward, 23ft. 6in.; aft, 24ft. 7in.; height of midship port, 6ft. 6in.—this should be called 6ft. 8in., as the port sills amidships were cut down to allow the depression of the 84-pounder guns which the Admiralty thought of putting into her; she is now armed with 12 68-pounders, the remainder long 32's, 56cwt., except on the quarter-deck and forecastle, 24 No. 32-pounders, 8ft. 6in., 42 cwt. guns, and two 68-pounders on the quarter-deck, making in all 90 guns actually mounted. This line of flotation, I should observe, agrees to half-an-inch of her talented constructor's calculation. Now for her qualities, so far as we have been able to judge, at sea; she works and steers like a boat, that is quicker and better than any ship I ever sailed in. On Sunday last, we had a good trial by the wind, with as much wind as her masts would bear, under double-reefed topsails, courses, &c.; her inclination never exceeded 4½ degrees; she was then going 10 knots, and working within 10½ points of the compass; at this time there was a short sea, and on one tack a-head she was far from being uneasy; her motion is quick but very easy, and on the whole I do think her the most splendid ship ever built, and her constructor must be proud of her; for my part, I am perfectly unprejudiced."

This was signed "William Bowles." He had also a letter from Mr. Lofthouse, the Master of the Albion, which stated :—

"I am just returned from the Albion, and I cannot delay expressing my admiration of her in the strongest terms. She is quite perfect, and beyond all doubt, the finest two-decker in the world. Of course, you have already heard all I could tell you about her sailing, working, steering, &c.; but all the officers seem most sincere and hearty in their praises of her, and so end all the cabals against you and her. I am also delighted with the Iris. * * * * If I had my way I should commission the Vanguard immediately, and try her with the Albion, as the fastest two-decker in the navy."

He would say a word with respect to another subject touched on by the gallant Officer—the proposed alteration of the Board of Admiralty. If officers were placed at the head of the different departments, he did not see what improvement that would be on the present system. The fact was, that there were now officers placed at the head of, and responsible for, the different offices of Somerset House. The hon. and gallant Officer said, that when a change of Administration took place, the new Members who came in were ignorant of the duties of their office, and depended for information on the principal persons employed under them. This, however, was an objection that applied to every change of office, it was one of the necessary evils of our system of Government. He could not see what additional responsibility would be obtained by the proposed change; in point of fact there was now a complete responsibility. The hon. Gentleman was wrong in thinking, that the Board of Admiralty stayed almost exclusively in Whitehall; the gallant Officer near him was constantly at Somerset House, and so were the secretaries, in the discharge of their official duties, acting on their responsibility. Before a great change in the construction of an Official Board took place, there ought to be proof that the existing system had failed. He could say for himself, that before he became a Member of the Admiralty Board he had had his doubts as to the working of the system, but the experience he had had enabled him to say that it worked very well. The hon. and gallant Officer said there was too much work for the Board to do; he did not think there was; there was a fair day's work for each person, but not more. If war were to break out, and continue for any length of time, it might be necessary to increase the official force. He was one of those who thought that the measures taken by the right hon. Member for Cumberland during his tenure of office were much required, though, like all new measures, they might work with difficulty at first. They had now stood the test of ten years, and three Administrations, and having heard no complaint of their inefficiency, or seen any of those contrarieties or embarrassments which beset the former system, he thought there was no case made out to induce him to consent to a change in the composition of the Board, which, after all, would be little else than nominal.

Captain *Pechell* was not actuated by any party feeling; but he was of opinion, with his gallant Friend below him, that the constitution of the Board of Admiralty did not work well. The gallant Officer had shown that there was no responsibility whatever at that Board, and it was well known that no junior Officer could venture to state and maintain his opinion. Sir Joseph Yorke once said in that House, when at the Board of Admiralty, that if he presumed to differ from the Secretary or the First Lord, the sooner he turned his stern to the Admiralty the better. Hon. Members would recollect the case of Captain Berkeley, who endeavoured to induce the Admiralty to increase the ships' complements to an efficient number. That gallant Officer thought he had gained over a majority of the Board to his opinion; but after a short absence he found that this was all reversed, and that what had been brought forward in the Board-room could be upset in private. The Secretary for the Admiralty had not at all succeeded in refuting the statements of the gallant Officer opposite. He did not give Government any credit for the manner in which they dealt with the steam navy and steam machinery. When they saw the formidable steam ships which France was now building, he thought great blame was to be imputed to them for their backwardness in augmenting this part of our force. He wished to know why the great improvement of the Archimedean screw, which had been completely successful in the French and American vessels in which it was tried, had not been adopted. He did not find fault with the experiment that had been made in the case of the Penelope, but thought the service for which she was best adapted was the transport of troops. He did not approve of the Navy being employed in the collection of Poor-rates in Ireland. He felt the disgrace of Naval Officers being employed in such a service, and of bringing a man-of-war with her forty-eight pounders to bear on the next farm-house, where a paltry sum for Poor-rates might be due. To the hon. and gallant Officer opposite was due the honour and glory of employing the Navy of the country in such a service. He must complain that such a scanty share of promotion or reward fell to the lot of the officers and men employed in the fatiguing and harassing service of the Coast Guard, which was confined to those who distinguished themselves in saving life in cases of shipwreck. He wished the Admiralty would send a good ship-of-war to protect the fishery on the coast of Sussex, not one of the ten-gun brigs. He would take this opportunity of asking how many of these diabolical vessels, for so they might well be called, were left in Her Majesty's service? He believed there was one now employed on the coast of Africa, he supposed for the purpose of wearing it out; and he heartily commiserated the crew of it, for they would be worn out too.

Dr. *Bowring* regretted that some general method was not observed with regard to the estimates of expenditure laid before the House. He saw no reason why all the departments should not adopt the same form; yet from year to year the accounts were brought in from each of them in a different shape. At present the department of expenditure was also made the department of receipt. He contended that the gross revenue in every shape, and from every quarter, ought to be paid into the Exchequer, and that no payments should be made by any department, except by Treasury warrant. The principle had been recognized by the noble Lord the Member for London, and other hon. Members, and until it was carried into effect these accounts would never be satisfactory.

Captain *Plumridge* said, the masters of the Navy complained, first, that they only ranked as Lieutenants; secondly, that, while Paymasters and Pursers could obtain 8*s.* 6*d.* a day on half-pay, they could only obtain 7*s.*; and thirdly, that after an action the only promotion the Master of a fleet could obtain was that of Lieutenant, whilst he ought to be eligible to be made a Captain.

House in Committee.

Mr. *S. Herbert* said, that having taken up some time of the House already, and as he wished to get as far in the estimates as he could, he should confine his statement merely to those points in which alterations had been made, and hoped that others would follow his example. Upon the first vote for the wages of Seamen and Marines, it would be seen that there was a very considerable reduction. The hon. Member for Coventry had alluded to that reduction as imprudent. He thought when they recollected the state of our relations with China, where war had been lately concluded, and the very large commerce which was necessary to be protected in the Indian seas, and the disturbed state of some of the coasts, the House would admit that the vote had been reduced as low as possible. The hon. Member explained at some length the various items of the Estimates and the alterations made in them, and concluded by saying, on the whole, though the diminution of the gross Estimates was not so large as the diminution of the number of men would appear to warrant, yet he thought the Committee would admit that the Estimates were drawn up so as to be conducive to the ultimate efficiency of the Navy. He begged the House to observe, that a great reduction had also been made on the preceding year. He did not think that a greater reduction could with safety be made. He begged to propose, as the first Vote, that 36,000 Seamen be employed, 10,500 Royal Marines, and 2,000 boys.

Mr. *W. Williams* admitted that the power and greatness of the country mainly depended upon that branch of the public service comprised by these Estimates. The Estimates of 1833 were less by 1,600,000*l.* than those of the present year, and at another period they were 2,000,000*l.* less. He called upon the hon. Gentleman the Secretary of the Admiralty to explain the circumstances of the country which required this additional expense. He should object to that portion of this Vote which referred to the Marines employed on shore, and upon it he should take the opinion of the Committee. Those Marines formed, in fact, part of the Standing Army of this country, and he saw no reason why their number should be greater than in preceding years, as was the case. The number of Marines, serving on shore, proposed for the present year, was 6,000 men; whereas, if they took the last ten years, they would find that the number had never exceeded 4,500 men. He should propose, unless he received a satisfactory answer, that the number should be reduced by 2,500 men. He would not move that reduction until he had heard the explanations given by Her Majesty's Government; but, if they were not satisfactory, he certainly should divide the Committee on the subject. It appeared to him that by means of the Marines they were increasing the standing army.

Sir *G. Cockburn* said, the estimated number of Marines was felt to be necessary. They were a most valuable force. They were as useful on shore in guarding dockyards and other duty of that kind as soldiers, and, in the event of a sudden war, they were at once available. It was of the utmost importance that every possible facility should exist for having ships readily manned; and the Marines were always ready to put into ships, in the event of any sudden emergency. The hon. Member should know that when the smaller number of Marines were voted, to which the allusion had been made, foreign nations were not endeavouring to cope with our Navy. But now they were making great efforts in that direction, and their facilities of manning their fleets were greater than any we possessed. It was absolutely necessary that we should have a fleet to command the Channel in the event of war being declared. Two-thirds of our seamen were abroad in foreign parts; and, in the case of a war with France, all those seamen we depended on might be carried to French prisons, instead of coming here to man our ships. The only security we had for manning our ships in such an emergency was this vote of Marines.

Sir *C. Napier* bore testimony to the efficiency and available character of the Marine force, and hoped his hon. Friend would not propose any reduction in the number of men. The Marines ought rather to be increased than diminished. The Government were the best judges what number of men they ought to keep up; and, as a naval man, he was anxious to see the number as well kept up as possible. The chief thing was, how they should be disposed of. Under the late Administration they had three guard ships, with scarcely sufficient men to keep them clean. In his opinion, those guard ships should be kept fully manned, and with the most efficient officers fit for active service, instead of old decrepit men as hitherto, who, when sent to sea, were found totally incapable of performing their duties. He hoped the gallant Admiral would explain what was the intention with reference to those guard-ships. With respect to powder magazines, he had tried various experiments in the Powerful, but they had been overruled when it came home, on the idea that they should be made bomb-proof, which, he thought, perfectly impossible. Our officers, he was afraid, had not sufficient opportunities for practice, and from what he had seen on foreign stations, he should say that our fleet might not on a sudden emergency be found so efficient in manœuvring as would be desirable.

Admiral *Dundas* observed, that we had 1,000 merchant steamers, 250 of which were capable of carrying 32-pounders; a force which would overcome the combined fleets of the rest of the world.

Sir *G. Cockburn* remarked, that some experimental alterations, made by the gallant Officer, the Member for Marylebone, on board the Powerful, had been disapproved of by a Board of Inquiry, composed of Sir E. Codrington, Admiral Parker, and Sir T. Hastings. With respect to the Penelope, the report of her captain had been one of approval, and her services would be found peculiarly valuable on the coast of Africa, which she could closely blockade against slavers, the currents preventing sailing vessels from keeping their stations. He alluded to the extensive commerce enjoyed by this country all over the world, and the consequent demand for ships of war, which, without the aid of steamers, the Admiralty could not, unless by great increase of the Estimates, afford.

Vote agreed to, as was also a resolution "that 1,170,476*l.* be granted to Her Majesty to defray the wages of Seamen and Marines for the year ensuing."

House resumed, Committee to sit again.

QUI TAM ACTIONS — HORSE-RACING PENALTIES.] The Report on the Horse Racing Penalties Bill was further considered.

Mr. *Craven Berkeley* moved the addition of a Clause, to the effect, "that it shall not be lawful for the space of three Calendar Months from the passing of this Act, to lay any information for the recovery of penalties against parties engaged in certain popular sports mentioned in the Acts of 5 and 6 Will. III. c. 59, s. 3, and 2 and 3 Vict. c. 47, s. 47." He thought that persons subject to informations under these Acts, might claim the protection of the House with quite as much justice as the Noblemen and Gentlemen for whose benefit the Bill now under consideration had been introduced. By the expiration of the time for which he proposed to suspend these penalties, the Committee now inquiring into the subject of Gaming would have delivered their report, and it would then be for the House to determine whether the sports to which his clause referred, should be prohibited or allowed. In his opinion no Legislation was so bad as that which they were unable to enforce. There was a weekly publication in this metropolis, issued every Sunday, which contained allusions to no less than between forty and fifty games and sports, which were rendered illegal by the Acts mentioned in the Clause he now proposed. Why, he asked, did not they re-erect the turnpike gates which had been destroyed in South Wales? Why did they not endeavour to put in force the Clauses of these Acts in the Counties of Cumberland, Northumberland, and Durham? Because they knew they would be unable to do so without the aid of their Metropolitan Police Force. He must say, that if they did not suspend the informations which might be laid under the Acts of Parliament mentioned in this Clause, they would show, in agreeing to the Bill of the hon. and learned Gentleman opposite, that they were legislating for a particular class of persons, and for that class only; and, whatever might be the sentiments of the majority of Members of that House, he could assure them, that that opinion was very generally entertained out of doors.

Question put that the Clause be brought up.

Dr. *Bowring* seconded the Motion. They offered a premium to persons who assisted in giving effect to the laws which they made, and then, when persons availed themselves of the inducements held out, they turned round and loaded them with opprobrium, merely because they put the law in force against opulent and influential men. If they could find other means of giving effect to their Legislation, they ought not to encourage men in this course; but, if they acknowledged such co-operation, certainly they ought not to repudiate it when it was exerted against the noble and the great. Informers had been acting against the poor and the feeble for years, and that House had not interfered to restrain their proceedings; but now, as they had selected the rich as their prey, hon. Gentlemen were ready to make them the objects of public opprobrium, Though he disapproved of the Bill of the hon. Gentleman opposite, as well as of the Amendment of the hon. Member near him, he felt bound to show that he was desirous of protecting the weak as well as the strong, by supporting the Clause of his hon. Friend.

Clause brought up on the Question that it be read a second time.

Mr. *James Stuart Wortley* said, the

hon. Gentleman had not informed the House what was the nature of the Games to which his Amendment referred. He believed the hon. Gentleman would find that his Clause would afford protection to sports which had received the highest aristocratic protection, as cock-fighting, and other similar games. He objected that this Clause had nothing whatever to do with the present Bill. The object of the Bill was to suspend, for a certain time, actions which had been brought against individuals for penalties to a very large amount—to an extent far greater than was commensurate with the nature of the offence; while the Games to which the Clause of the hon. Member referred, were punishable by criminal proceedings. He protested against the ground which had been taken by the hon. Member for Bolton (Dr. Bowring). He was perfectly satisfied that if the persons to whom this Bill was designed to afford protection, had not been Gentlemen of rank and aristocratic connections, this outcry and opposition would not have been raised against it. Hon. Gentlemen on the other side were jealous, and properly jealous, of the rights and privileges of the people; and they imagined, because there were some aristocratic names among the persons whom this Bill was intended to protect, that it was owing to that circumstance the Measure had been proposed. He begged to remind the House, that, within a few years past, similar protection had been afforded to printers; and, very recently, the hon. Member for Finsbury (Mr. T. Duncombe) obtained the same protection for poor players. Last Session, also, an Act of a similar nature had been passed. Persons had been in the habit of sending coal from the North of England, which were sold under the best market names, while they had not been obtained at the Collieries from which it was professed they came. An Act of Parliament was passed, requiring a specification of the names of the Collieries from which coals were obtained. In some cases the requirements of this Act were not observed; actions were brought against offenders for penalties to a large amount, and a Bill was passed to suspend, not to stop, those actions. The law was considered so beneficial that it remained unaltered; and he (Mr. Wortley) had since conducted a Prosecution against parties for the recovery of penalties under the Act. All they asked for by the Bill now before the House was the suspension of the pending Actions until an inquiry had been instituted on the subject by a Committee upstairs.

Captain *Pechell* said, that he had been referred to as having supported the Solicitor General, in 1835, in protecting the Printers of Newspapers from Actions brought against them; but he could not agree that that case was analogous to the present. Several Country Newspaper Proprietors, as well as some Metropolitan Printers, had omitted to state their places of residence in the Newspapers, and they had become liable to penalties. That, however, was an affair of regulation with the Stamp Office; they had not omitted their names, but merely their places of residence. On the Plaintiffs in the Actions sought to be affected by this Bill the utmost opprobrium had been cast—they had been called the foulest names. Whether hon. Gentlemen opposite had associated with these scoundrels, as they had been designated, he did not know, but at all events, they must have made bets with them or others, or they could not have been brought into contact. With, however, the array of the Members of the Jockey Club on the other side, backed by two Secretaries of State and the Chancellor of the Exchequer, he supposed the Bill would pass. He must protest against the Measure, and deny that it bore any analogy to the Bill relating to Newspapers which had received his support, as stated by the hon. and learned Gentleman opposite.

Mr. *C. Berkeley* said, he would not give the House the trouble of dividing, as, with such a formidable array as he saw assembled on the opposite side of the House, he knew it would be useless; but he would ask his hon. and learned Friend opposite, as he had talked of cockfighting, whether he thought cockfighting more cruel than stag-hunting or fishing, or any of those sports which were legalized, and which had received the sanction of the highest persons in the realm? He was sure the hon. and learned Member would not give way to such cant.

Motion that the clause be read a second time negatived without a division, Report received, Bill to be read a third time.

House adjourned at a quarter to 1 o'clock.

* * *

HOUSE OF LORDS,

Tuesday, February 27, 1844.

Minutes.] Bills. *Private.*—1ª· Marianski's Naturalization.

Petitions Presented. By the Earl of Yarborough, from Kettlethorpe, and 8 places, for Protection of Agricultural Interest.—By the Marquess of Lansdowne, from the Lord Provost, etc. of Glasgow, respecting Religious Tests for University Professors.

* * *

HOUSE OF COMMONS,

Tuesday, February 27, 1844.

Minutes.] Election Petition.—Against Durham City Election, *Discharged.*

Bills. *Public.*—3°· and passed:—Horse Racing Penalties.
Private.—1°· Edinburgh Poor Assessment.
2°· Hartlepool West Harbour.

Petitions Presented. By Mr. W. Patten, from Garstang, and 18 places, for Amendment of Poor Law.—By Colonel Sibthorp, from Sudbrooke, and 25 places, against Repeal of Corn Laws.—By Viscount Clive, from Bistre, and Trameirchion, against Union of Sees of St. Asaph and Bangor.—By Mr. Blewitt, from Newport (Mon.), for Withholding the Supplies.—By Mr. S. Crawford, from Rochdale, for Reduction of Duty on Tobacco.—By Mr. Hutt, from South Australian Land Company, respecting the Corn Trade of South Australia.—From Belford, respecting Casual Poor.—From Paisley, for Reform of Medical Profession.—From Paisley, complaining of the recent State Trial.

Poor Laws (Ireland).] Sir *D. Norreys* asked whether the Government would have any objection to move for the appointment of a Select Committee to inquire into the operation of the Poor-law in Ireland, whether any steps have been taken by the Government to carry into effect a general revision of the valuations of Poor-law Unions in Ireland, and, if so, how soon the revision will be commenced? whether it be still the intention of the Government to appoint an Assistant Poor-law Commissioner for the superintendence of that revision? and whether it be still the determination of the Government that the valuation of property for the purpose of county assessments in Ireland (called the Griffiths valuation) shall be continued, notwithstanding the commencement of a general revision of valuation for the purpose of Poor Rate, or whether it be proposed by the Government to introduce any Measure for the consolidation of the several valuations, so that the County Rates, Poor Rates, and other Local Taxes may be levied on one uniform scale of valuation.

Sir *James Graham* said, the Government, when they introduced so important a Measure as the Poor Law Amendment Bill at the close of the last Session, had no intention of moving for the appointment of such a Committee; but if the Irish Members were of opinion that a Select Committee ought to be appointed on that subject, he would not oppose a Motion to appoint one. He apprehended that the hon. Baronet laboured under some misapprehension with regard to what had been stated by the Government on the subject of a new valuation. The Act of last Session did not render a general new valuation imperative, but in cases where it might be convenient to have particular new valuations in consequence of the existing valuations having been raised or reduced by local circumstances, then there was a power given to commence new valuations in those instances, and a general order had been issued laying down the principle on which those new valuations were to be conducted; and as the Act did not render it imperative to appoint an officer to carry out those valuations, the hon. Baronet would see that his second question was already answered. With regard to the third question of which he had given notice—namely, in reference to the survey called Griffiths's valuation, it was now nearly completed; but as it was intended for other purposes, and was not a valuation of the net annual value, it would not answer for the purposes of the Poor Rate, as a valuation for that purpose should be on the net annual value. In answer to a communication made to him, Mr. Griffiths stated that a new survey would be necessary for the purpose of a new valuation to meet the purposes of the Poor Rate, and that such re-survey would involve a considerable expenditure. The Government did not intend, therefore, to entail upon the country that additional expense.

Sir *D. Norreys* would, on an early day, move for a Select Committee to inquire into the operation of the Poor Law in Ireland, unless the right hon. Baronet (Sir James Graham) took it in hand.

Affray at Brighton.] Captain *Pechell* wished to put a question to a right hon. Gentleman opposite (the Secretary at War), with respect to an outrage which had taken place at Brighton, and which had been made the subject of a trial. The outrage had been committed by some soldiers; the trial was now over, and the result was, that the soldiers had been convicted; and Lord Chichester, who was Chairman at the Court, in passing sentence upon them, said that they had been guilty of a very serious offence, and that he would punish them to show that the peaceable inhabitants of the town should be protected. The inhabitants of Brighton felt that a stigma had been cast upon them by the right hon. and gallant Officer, by his observations on a former occasion with respect to those proceedings. Now he wished to ask whether the right hon. Gentleman had made any inquiry with a view to remove the impression which the inhabitants of the town entertained as to the cause of the late outrage; and he also wished to ask whether the officers intended to remunerate the parties in Brighton whose properties had been injured in the late outrage?

Sir *H. Hardinge* said, that the hon. and gallant Officer was under a wrong impression, if he supposed that he (Sir H. Hardinge) meant, by any observation of his, to throw a stigma on the inhabitants of Brighton. If the hon. Gentleman read the charge delivered by the Magistrate at the Quarter Sessions, he would see there could be no doubt that previous provocation had been received by the soldiers, and this confirmed what he (Sir H. Hardinge) had said in answering a question put to him on a former occasion. No doubt, where a regiment garrisoned in a town to assist in keeping the peace misconducted itself in the manner in which a portion of the regiment in question had done, it was a serious offence, and he was happy that the sentence pronounced in this case had been such as would teach the parties that they must observe the laws of their country, the sentence being an imprisonment of ten months with hard labour, for the assault that had been committed in Brighton. The hon. Gentleman had mistaken what he had said as to compensation for the injuries sustained. What he had stated was, that the soldiers of the regiment themselves, feeling that what had been done was quite unjustifiable, were ready to enter into a subscription to make good the damage. As to an inquiry he was not aware that any of the nature referred to had been made; but he could state that the Commander-in-Chief had given orders that no soldier should enter the town of Brighton unless accompanied by a non-commissioned officer.

TAHITI — THE FRENCH GOVERNMENT.] Mr. *Hindley* begged to ask the right hon. Baronet at the head of the Government whether he had received any information as to the approval, or disapproval, by the French Government, of the deposition of Queen Pomare. He had seen in a second edition of *The Times* of that day a statement that the French Government disapproved of that proceeding, and had sent out orders that its officers should adhere to the original Treaty; but he was anxious that the right hon. Baronet should, if in his power, confirm a statement so creditable to the French Government, and so interesting to the friends of peace.

Sir *R. Peel* said, he had but a short time before left the Foreign Office, and he had not learnt that any official information had been received beyond what had already appeared. At the same time he had no reason to doubt the authenticity of the information contained in the second edition of *The Times*, which consisted of a quotation from *The Moniteur*, the official organ of the French Government, stating that a Cabinet Council had been held, at which it was resolved that there had not been sufficient justification for the Admiral in departing from the stipulations of the Treaty, and that orders should be sent out to adhere to the Treaty of September (he believed it was) 1842. That was the statement that was made. He had before deprecated premature questions on the subject, and had stated that he had a strong and confident impression that it would not be necessary for us to interpose; but that the French King and the French Government would, acting upon their own good feelings, adopt a line of conduct which would be satisfactory to the people of this country, and more particularly to those who were interested in the fate of those excellent men, the missionaries; and he was glad that the act of the Admiral was not ratified. He had no doubt that the statement copied from the *Moniteur* was correct, and he was bound to add, in justice to the French Government, that this act was the voluntary act of the French King and the French Government, taking the course which he had expressed his belief they would, and that it was not necessary that any communication should be made on the subject by this Government.

NEW POOR LAW.] Mr. *Borthwick* wished to put a question to the Secretary of State for the Home Department. He understood that, in another place of which they often heard, an important conversation had taken place between a right rev. Prelate, and the Members of Her Majesty's Government, from which it was to be presumed that the Government would, in the course of the amendment of the Poor Law Bill, adopt some measures for the Religious Instruction of the Poor in Unions, by Chaplains of the Church of England only. He wished to know from the right hon. Baronet whether it were the intention of the Government to introduce any such provision?

Sir *James Graham* had no hesitation in answering the question put to him by the hon. Member, or in stating what the decision of the Government was upon the point referred to by him. Her Majesty's Ministers were perfectly satisfied with the exercise of the discretionary power vested in the Poor Law Commissioners, with respect to the appointment of Chaplains in workhouses: he was sure that they would appoint persons according to the necessities of the different localities in which these appointments were to take place. He was not prepared to propose any alteration in the law. As at present advised, he was perfectly satisfied with the state of the law, and in any discussion that might take place on the subject, he would be prepared to show, to the satisfaction of the House, that the discretion placed in these responsible officers had been exercised in a most proper manner.

DUELLING.] Mr. *Turner*, in pursuance of notice, asked the right hon. Baronet the First Lord of the Treasury, whether it was his intention to bring in a Bill for the more effectual prevention of Duelling.

Sir *R. Peel* said, that Her Majesty's Government had not failed to take this important subject into their consideration, but they were not prepared to bring in any new legislative enactment in reference to Duelling. If the practice of Duelling still existed, it was not owing to any defect in the letter of the law, and Her Majesty's Government greatly doubted whether any good object could be promoted by altering the law. At the same time, they had shown by the exercise of influence and authority, during the Recess, a disposition to discourage the practice of Duelling, so far as it could be discouraged by the executive power. He believed that the feeling which had lately existed on this subject had been excited in a great degree by the unfortunate result of a duel which took place in the course of last year. He thought there could be no doubt that the practice of Duelling was on the decline, that the influence of civilisation was producing its necessary effect; and on this account he should deprecate any interference on the part of the House. The officer who lost his life last year, had served his country with great distinction. When his widow applied for that pension to which she would have been entitled had he died in any other way than by the hand of his antagonist, Her Majesty's Government felt themselves compelled to refuse the application. With respect to the survivor, as that officer did not come forward to answer the charge after the lapse of the period which was allowed for public feeling to subside, he was superseded. The widow of the deceased officer having been refused the pension, and the survivor having been superseded, he thought Her Majesty's Government had shown that they were not unwilling to exercise their legitimate authority for the purpose of suppressing the practice of Duelling: but they were not prepared, as he had already stated, to introduce any new legislative measures with that view.

Mr. *T. Duncombe* said, the right hon. Baronet had stated that the unhappy widow of Col. Fawcett had, from the mode of her husband's death, been deprived of a pension she would otherwise have been entitled to. He wished now to ask whether it was the intention of the Government to discontinue pensions to the widows of officers who did fight duels, and to break officers, as was now the case, if they did not fight duels when challenged to do so.

Sir *Robert Peel* said, as notice had been given of a Motion on the subject of Duelling, he thought it best to say no more upon the subject, but to reserve his opinions until the subject was brought regularly before the House.

LAW COURTS (SCOTLAND).] Mr. *Wallace* rose to move for the Returns respecting the cost to the Nation of the Judicial Establishment in Scotland. He observed that the vacations in these Courts exceeded the Sessions, and unless some amendment took place, instead of Courts of Session, it would be his duty hereafter to designate them as Courts of Vacation. He should first read the actual facts as to the period of the Session and the Vacation, and the time daily during which the Judges sat. The vacation in what was called the Inner House extended to 211 days in the year, or nearly seven months; while the Session lasted only for five months, or 113 days. The vacation in the Outer House lasted for more than six calendar months, but the Session only 103 days, or about three months and a half. The Judges in the one set of Courts sat five days and a half in the week, and in the other Courts four days. He held in his hand a table showing the amount of business done from 1781 to the present time, the result of which showed that from that period (1781) there had been, with two exceptions, a continual decrease in the number of causes brought before those Courts; so that now the business little exceeded one-half the amount at the former period. Another paper showed that at the end of each Session there was an arrear of causes left untried, sometimes amounting to as many as 477. In taking evidence before the Committees which had sat upon this subject great stress had been laid upon the additional duties said to be thrown upon these Courts by merging other courts into them. He begged the attention of the House, and particularly of the right hon. Gentleman, the First Lord of the Treasury, to what he was about to read. He was about to read the number of causes that had been tried in Scotland in the year 1842, with and without Jury, including the cases tried in the Courts of Session and the cases in the County Courts. This would show the estimation in which Jury trial in civil cases was held in Scotland. The number of these cases tried in the Court of Session, without Jury, in 1842, was 945, and those in the County Courts 19,611, making together 20,556; while the causes tried with Jury all over Scotland during the same period was thirty-six, being exactly one cause tried by Jury in civil suits to 571 without Jury. Nor was this to be wondered at, when it was known that every such case, previously to its being sent before a Jury, took from two years to two and a half years in preparation, and that after the expiration of that period it might or might not be decided; but if decided, it would not be without an expense of from 500*l.* to 1,000*l.* on each side, or sometimes a larger amount. The average time that the whole of the Courts, speaking of the two divisions—the Courts of Session and the Courts of the Lord Ordinary—sat, was not more than about three hours a day. Another abuse, to which it was necessary to call attention, was the length of time occupied by the Jury Clerks in forming an issue before they went into Court. There was no Court so much detested by one class of the community, and dreaded by another, as the Court of Session, with the exception of the Court of Chancery, and that feeling did not now apply to the Chancery so much as formerly. The expenses of the Courts were very great: they cost on the average, including the Judges' and Secretary's salaries, 127*l.* a day. In 1839, the number of causes decided was 197, and the judicial charges, not including what was paid to counsel, was 91*l.* 11*s.* 2*d.* a cause. In another division there were 164 causes, at an expense of 87*l.* 13*s.* 7*d.* a cause; and these vast sums came out of the pockets of the English and Irish people much more than those of the people of Scotland. The cost of the Judges, with their private secretaries, was 42,700; the clerks of the Court 17,000*l.* The other charges of the Court he had not been able to distinguish. The total amount of cash, independent of the pensions to retired Judges, was 79,253*l.* 11*s.* 2*d.* annually. The Lord Advocate's office cost 17,300*l.*; the County Courts, wherein thirty Sheriffs presided, was 16,500*l.* being at the rate of 551*l.* Then there were fifty deputy Judges, named by the Judges-in-Chief, who cost 20,000*l.*, and the whole amount of the Judicial Establishment in Scotland was not less than 150,000*l.* He believed that if they travelled from one end of Scotland to the other, and asked the opinion of any one but a professional person, it would be found that there was not a person but was dissatisfied and disgusted with the whole conduct of these Courts. In Scotland the Judges could not get it out of their heads that they were not superior to everybody else, and also, that they were seated in the Parliament, at the Parliament House at Edinburgh (which he said God forbid they should ever see again!), and that they, too, had the power of making laws. The Lord Chancellor of England was the real Judge of Scotland; for whilst the number of appeals to the Lords this year from England was twenty-seven, from

Ireland the unusual number of twenty, those from Scotland were forty-five. He observed that the present Government had had the patronage of three Judges. They had appointed Mr. Hope, Mr. Robertson, and Mr. Wood. The first was confessed a most injurious appointment, for Mr. Hope had been put over the heads of his superiors, and made Lord Justice Clerk, when some of his seniors were particularly entitled to the office. As to Mr. Robertson's appointment, it was a judicious one, and Mr. Wood's was a first-rate appointment. There were only four leading counsel now at the Scotch bar, and as these learned gentlemen were frequently engaged elsewhere, the result was the continued stoppage of the business of the Courts. There was another department of the Administration of Justice which was intimately connected with this subject, viz., the County Courts. It was the duty of the Judges to frame rules for the improvement of these Courts, and it was also the duty of the Sheriffs to report from time to time to Parliament such improvements and alterations as might be made in the rules for regulating the business in those Courts. He believed, however, that those duties for several years had been neglected. It was true, however, that Scotland was not alone in respect to the abuses of the County Courts. By a paper he held in his hand, it appeared that in the County Courts of England even greater abuses existed than those of which he complained in regard to the Scotch Courts. He was sorry to say that he had little hope, notwithstanding all he had said in the House year after year, that any improvement would take place. With regard to the notice he had placed on the Paper, he had been informed by the right hon. the Speaker that the first part of it was irregular. He was not aware of the fact when he gave the notice, and he hoped the House would accept his apology for the irregularity, and allow him to submit the second part of the Motion, viz.—

"That an humble Address be presented to Her Majesty, praying Her Majesty will be graciously pleased to exercise the powers which are reserved to Her Majesty, in the Act 2 and 3 Victoria, c. 36, as to extending the sittings of the Court of Session, 'if there shall be arrears of business in the said Court,' 'or, the state of the business otherwise may require it;" and in virtue of the said power so reserved to the Crown, that her Majesty will graciously see proper to command that the sittings of the said Court of Session shall be extended by two months in each year, or by such other period as to Her Majesty shall seem more proper."

The Motion was not seconded, but

Sir *J. Graham* rose to say a word on the point of order. As the hon. Member had admitted his error, and apologised for it, he referred to the circumstance merely to express that which he was sure was the general wish of the House, that the right hon. Gentleman in the Chair would watch their proceedings, and not allow to be placed on the Notice Paper any reference to any speech or statement made by any Member of that House with a view to found a Motion upon it. Such a practice, were it to prevail, would be most inconvenient and intolerable. With regard to the subject-matter of the hon. Member's Motion, as there was, in point of fact, no Motion before the House, he could not, by the rule of the House, offer any observations in reply to the statements which had been made. He thought it right, however, to allude to one point, and although in doing so, he was not strictly regular, he hoped the House would, under the circumstances—the character of a learned Judge being attacked—bear with him for a few moments. The hon. Gentleman had commented with great severity on the conduct of the Lord Justice Clerk of Scotland. Now, that right hon. and learned Judge had received the highest possible proof of the estimation in which he was held by the Scottish Bar, in being unanimously elected Dean of the Faculty, notwithstanding the strong party feeling which at that time prevailed. He felt bound also to bear that testimony in favour of that right hon. and learned Judge which was the result of his (Sir J. Graham's) own experience. In the administration of criminal justice in Scotland, it was his duty to hold frequent official intercourse with the Lord Justice Clerk. It was his duty to refer to that right hon. and learned Lord all criminal cases submitted to Her Majesty for the exercise of the prerogative of mercy, for him to report upon them. In England, as the House would be aware, it was the duty of the Home Secretary to hold similar communications with the Judges, and he must say, though it might appear in some degree invidious to others, that he received no such carefully prepared and complete reports from any other Judge as those which were transmitted to him by the Lord Justice Clerk, and it was impossible for him to speak in terms too high of the manner in which that Judge performed his important functions. He really believed that the opinion entertained by the hon. Gentleman (Mr. Wallace), as to the merits of the learned judicial Officer, if the opinions of the whole of Scotland could be collected, would be found almost as singular, as his opinion must appear to be in regard to the Motion he had placed on the Paper.

IMPRISONMENT OF DON CARLOS.] Lord *J. Manners*, in rising to bring forward the motion of which he had given notice, said he begged leave to assure the House that it was not without much hesitation that he rose to bring before its notice a subject in which many of its Members took little interest, and imagined England to have little concern. Indeed, if he saw any prospect of otherwise obtaining justice for the illustrious object of the Address which he was about to move, he should not do so, but, after availing himself in vain of every casual opportunity that had presented itself to make known, and to protest against the injustice committed by the French—alas, that he should have to add, with the consent of the English Government—seeing year after year roll by with that injustice unabrogated, and that Prince still a prisoner, he could no longer hesitate to adopt the most decided course that was open to him, and flying from petty tyrants to the Throne, he asked that House to join with him in imploring Her Majesty's gracious intercession in behalf of the Royal victim of liberal oppression. It was, he was well aware, a matter of no ordinary occurrence —of no ordinary delicacy—for that House to ask the Sovereign to interfere for the purpose of procuring the liberation of a Prince confined by one of the Sovereign's allies; but there were instances and authorities enough to justify such a course where the character and honour of the country demanded it; and, calling for a moment to the recollection of the House the Motion of General Fitzpatrick on the imprisonment of La Fayette and his companions in 1794, he should endeavour to establish the fact, that the honour of England had been and was intimately involved by assisting, abetting, and, lastly, by insisting upon the detention of Don Carlos at Bourges. La Fayette, then, and his friends, flying from their own troops, took refuge in Prussia, and were by the King of Prussia committed to a fortress, as enemies with whom he was at war, as the causers of all the horrors which had occurred, and the dreadful hostilities by which those horrors were to be prolonged and avenged. England at that moment was at peace with Prussia, at peace with France. England had neither directly nor indirectly procured the flight of La Fayette, nor his consequent imprisonment; but so strong was the feeling of indignation excited in this country by the apparent injustice of the deed, that every admirer of what was then fondly imagined to be liberty, advocated English interference for them, who, be it remembered, up to the moment of their flight, had borne arms against the country they fled to—which was not Don Carlos's case—and General Fitzpatrick moved an Address to the King with that intent. That Address was not carried; no; but he grounded his claim for their support on the very reasons which were adduced for that defeat. Mr. Pitt, in opposing that Motion opposed it on the broad, intelligible English ground, that England being altogether unconcerned with the transaction, could not be called upon to interfere, and proceeded to assert that England could have no sympathies whatever with the men or with their principles. Mr. Pitt said,—

> "The simple question is, has any case been made out whereby this country is implicated, so as to be bound to interfere from motives of justice, honour, or policy?"

Clearly admitting, that if such a case had been proved, he would not have opposed the Motion. With this allusion to the precedent of 1794, he should proceed to show that we were bound from motives of justice and honour to interfere with this unjust and dishonouring captivity. Policy, for the present, he left out of the question, because he ventured to believe that if justice and honour demanded the adoption of a certain course, true policy would not be found opposing it. He asserted that, on motives of justice we were compelled to take the step he proposed. He said emphatically and sincerely, that this detention was opposed to justice; there was the punishment—punishment as severe as miscreants in this country who shoot at their Sovereign are subjected to. Where was the crime? What crime is alleged against this State prisoner? What offence is laid to his charge? Where are the proofs? Where the tribunal? Where the verdict? The punishment they knew, and heard of; the crime which should have occasioned and justified it existed not. The noble Lord opposite, indeed, when last Session a debate occurred on this subject, seemed to insinuate, for he did not broadly state it, that it was just to incarcerate Don Carlos, because, when, after the Convention of Evora Monte, he resided in this country, it was on an understanding that he should not disturb the peace of the Peninsula, and that, as he had departed from that understanding, France and England had now a right to shut him up in prison. He could find no stipulation of the sort in that Convention; but, be that as it might, he could well enter into and appreciate the feelings of a gallant man, who believing himself and his children to be defrauded of a Crown, such as that of chivalrous Spain, by an intrigue the basest and most disgraceful that the annals of any country could afford, who, guiltless of all intrigues himself, suddenly finds a people whom he loved, because he knew them, and who loved him because they knew him, proving their hearty gratitude and zealous loyalty by rising in their might to vindicate his claim, and to place him by their Spanish swords and their unbought exertions on the Throne of Spain. He said he could conceive the feelings of a gallant man at such a crisis, and he could not conceive such a man acting otherwise than Don Carlos then did. But, even admitting the noble Lord to be right, and he was almost loth to deprive him of that one slender apology for his Spanish policy, the Ministers now in power could not use that justification; by a respect for their own character they were debarred from it. As long as the war so commenced was continued, as long as the gallant efforts of Spaniards maintained a struggle against the combination of Jews and stockjobbers, and legions from Algeria and the Isle of Dogs—so long did they, as the leaders of the great Tory party in England, applaud their efforts and vindicate the cause of Don Carlos. Therefore, whatever right the noble Lord might have to press this musty antecedent argument into his service, they who now administered the affairs of this country, they who now formed the majority of this House, might not avail themselves of it; and, he proceeded to ask, if there being, by the unanimous opinion of this party, no antecedent pretext, however flimsy, to justify the injustice of which he complained, any subsequent event had occurred to render that just which otherwise was admitted to be unjust? The whole conduct of the war which ensued was so intimately bound up with the honour of this country, that for the moment he passed it by, and contented himself with asserting in the most broad distinct manner possible, that no act was committed by Don Carlos, under provocations the most urgent, and injuries the most unprovoked, during the course of the war, which could for a moment be allowed to justify our conduct towards him. Well, then, if nothing previous to the commencement of that war, if nothing during its continuance could be held to justify his detention at Bourges, was it alleged that the terms on which he entered France, or his conduct since, afforded that justification? He maintained, that, on the contrary, the terms on which he entered France warranted him in expecting a very different treatment from that which he was experiencing. He was told he would be received as an unfortunate Prince. He knew what an interpretation an Assembly of English Gentlemen would give to such a phrase. Don Carlos did not know, could not anticipate, what such words meant, when used by a King of the French. You, Sir, and this House, would imagine that sympathy, respect, and freedom, were the portion of unfortunate Princes. Don Carlos too late discovered that insult, hardships, and imprisonment, was the measure meted out to him by Liberal Governments. But what had been his conduct since, against all right, contrary to his just expectations, against the usages of civilised monarchical Europe, he was incarcerated? He might naturally and fairly have retaliated by intriguing from his prison, and thus made himself a thorn in the side of his oppressors; and no one could deny that opportunities in plenty for such a course had been presented to him. When Queen Christina hazarded the peace of Spain, and risked even the life of her daughter, in her vain endeavour to overthrow Espartero, were no overtures made to Bourges, and to those loyal spirits who still looked, and who still do look thither for orders? It was notorious, that had

Don Carlos consented, had he merely permitted his faithful followers to act as they pleased, that attempt might have ended very differently; but, with that manly honesty which is his characteristic, he rejected all those offers, and by his express commands, his adherents to a man, he (Lord J. Manners) believed, took no part in the insurrection; nor would even the noble Lord pretend to assert, that in any of the subsequent revolutions which his policy had occasioned, Don Carlos had had any, the slightest, part. But what a contrast in the fate of those two personages! Queen Christina, avowedly to the knowledge of all Europe, the instigator of revolution and bloodshed—she, the sad Erinnys of her time—is now returning with regal pomp and elaborate procession to Madrid: Don Carlos who refused to join in her cruel schemes of ambition, still lingers a captive at Bourges,

"Aude aliquid brevibus Gyaris vel carcere dignum,
Si vis esse aliquis: Probitas laudatur et alget."

Need he to these reasons on which he denounced the incarceration of Don Carlos to be unjust, add the palpable truth, that Don Carlos was never at war with France, never at war with England, and that by the laws of France, by the common consent of all countries, a man who had never injured them, from whom they dreaded nothing, had a right to liberty; thus, then, he denounced the detention of Don Carlos to be unjust, and in the sacred name of justice, never invoked without success within these walls, he demanded his liberation. He had said that the honour of England was implicated in the manner in which the war was carried on and terminated, and he should now proceed to establish that a regard for that honour compelled them to interfere as he proposed. In the first place, the formation of the English Legion, contrary, as General Evans himself admits, to the opinion of the highest military authorities of the Kingdom (the late King, the Duke of Wellington, and the late Commander of the Forces), and which required an existing law to be repealed, was a direct infringement of neutrality and non-intervention, and bore an important, though not very honourable share in procuring the triumph of Liberal tyranny. It was clear that had the Legion not been planted on the Cantabrian coast, Don Carlos would long ago have been at Madrid; its action, if he might so say, was that of a drag-chain on his advance to victory; and thus, even had we interfered in no other way against him, the interference of that Legion, so often denounced by those now in power, would, to use Mr. Pitt's words, so implicate us as to bind us in honour to interfere for his liberation. But more dishonourable because less open, more injurious because less easily met, were the operations of our Navy and Marines during that period; with every wish to think and speak well of any service in which the soldiers and sailors of England were engaged, he said with regret, that from the moment our squadron arrived off the Cantabrian coast to the climax at Bergara, deceit, treachery, and double-dealing seemed to be written on the English flag. In the history of war or peace (he knew not which to call it—it was war without its glory, and peace without its blessings), no more disgraceful transaction was recorded than the conduct of our ships at the siege of Bilboa. For nearly two months, while the Carlists were beleaguring that city, under their guns, exposed to their batteries, lay two English brigs, peaceable, neutral spectators of the strife; strict neutrality was our profession, total immunity from danger was the result. Over and over again did the Carlist General forbear to take advantage of opportunities to harass the enemy, lest a casual shot might annoy the flag of neutral, passive England; and how was this confidence merited? How was this forbearance rewarded? When victory was, beyond all doubt, on the eve of crowning the Carlist arms, when Bilboa had already virtually surrendered, in the middle of the night did the boats belonging to those English ships carry over the reluctant General and his dispirited troops to an unexpected, undeserved success. A neutrality observed so long, so advantageous to the stronger nation, so wantonly, disgracefully, and perfidiously violated at the last, never was recorded before; and by the dishonour which that transaction attached to England, he asked them to vote for this Address. But did even this suffice?—were we satisfied with thus having sacrificed every title to a character for English fair play and honour? By no means; a year and a half went by; the Legion was no more, its cruelties, excesses, and injuries, were avenged, if not forgotten, and success, according to the official paper presented to that House, was as likely to incline to the one party as to the other; then again were our underhand intrigues put into requisition, and Lord John Hay, a Captain in the English navy, with the approbation of the English Government, consented to be the medium of communication between the traitor Maroto and Espartero; and he would beg the House to remark well what followed, because it showed how completely England was involved in all the disgrace which attached to the unjust detention of Don Carlos. Lord John Hay was the go-between—he did not use the word in an offensive sense, but in its literal meaning—the go-between of the traitor and Espartero; he revised the Articles of the Convention—he recommended this, he suggested that. Did he take care in arranging that honourable transaction, that the life of its Royal victim should be saved? Would it be believed that in a report to Lord Palmerston it is stated, apparently as a matter of congratulation, that the name of Don Carlos is not even mentioned in the articles of the Convention? Would to God that this were all; but let the House remember that some time previously to this the noble Lord had issued his positive injunctions to the Captains off the Cantabrian Coast that should Don Carlos apply to them for shelter, it should be refused him. Let the House bear these facts in mind, and say whether or not we are responsible for his flight into France and subsequent imprisonment. And thus, when after five years of underhand opposition, pitiful animosity, and dishonourable interference, we had brought Don Carlos to the desperate alternative of falling, without any guarantee for his life or that of his wife and child, into the hands of his cruel enemies, or seeking an asylum in a foreign country, by the farsighted malevolence of our Government we compelled him to take refuge in France. In every stage, therefore, of that series of events which ended in the captivity of Don Carlos at Bourges, we, the English people, had part; it was we who destroyed the liberties of the Basques; it was we who despoiled the Church in Spain; it was we who called into dread activity that revolutionary spirit which is still devastating Spain. Did he ask, then, implicated as we were in all this—did he ask them to restore freedom to the Basques, tranquillity to Spain, property to the Church? No; he contented himself with making a far humbler request. He asked them to restore to liberty and freedom that Prince, whom he had shown, by each and every step of that unjust policy, they had conducted to a prison, and by whose continued detention the honour of England is sullied. But if we had been so directly implicated in procuring the imprisonment of Don Carlos how had our responsibility been aggravated since? So intense was the hatred borne by the noble Lord opposite to that Prince whom he had injured, that one of the last acts of his official reign, when power was quickly departing from him, was to prevent the French Government doing a tardy partial justice to their victim. In June, 1841, it was reported to the noble Lord that it was not impossible that the French Government would set Don Carlos at liberty. The noble Lord instantly, with that intense love of liberty which always characterises liberalism, demanded, on the part of England, that Don Carlos should still be kept a prisoner. If, then, the noble Lord, could interfere with the King of the French to demand the perpetuation of injustice and oppression, was he not justified in asking the House to declare, on the part of England, that she reprobates that demand and denounces that oppression; Thus, to the best of his ability, he had laid before the House the grounds on which he maintained that this country was bound, to use Mr. Pitt's words, by motives of justice and of honour, to interfere in favour of Don Carlos. He had shown that it was our interference which lost him his crown—it was our interference that forced him to take refuge in France—it was our interference which deprived him of liberty—and lastly, and above all, it was our interference that now, after five years of a cruel, rigorous, and vindictive imprisonment, still detained him. Away with the cant and jargon of liberalism which would prate of the danger which might arise to the tranquillity of Spain from justice being done to them; had their imprisonment procured it? Had a regard for it compelled the French Government to imprison Queen Christina, or induced ours to shut up Espartero in the Tower? Could any one pretend to say that Spanish tranquillity, if there be such a thing apart from a legitimate Government, during the last four years, had not had far more to dread from Christina than from Don Carlos; for the last year, from the fêted of the Mansion-house than from the captive of Bourges? Yet did this regard for the tranquillity of Spain lay an embargo on the ex-Regent's movements, or induce our Ministers to show towards him any of those petty acts of discourtesy which a complaisance for the reigning dynasty of France dictated towards Henri V.? No; the City of London might feast Espartero, and do honour to the butcher of Cabrera's mother—Ministers might toast their speedy return to Spain, and drink confusion to the men who had supplanted them, but Don Carlos must be kept a prisoner—for the tranquillity of Spain. Away with such flimsy inconsistencies! Rather avow the real motive—proclaim it to the world that you detain Don Carlos, not because he has offended or injured you, not because he has offended or injured France—not because he has failed to bear his unjust captivity with heroic resignation—not because his liberty would be dangerous to the peace of Spain—but because he has ventured to oppose the tyrannical, sacrilegious spirit of Liberalism! This—disguise it as they would—was his real offence; this it was that made him odious to the present ruler of France; this it was that armed against him the noble Lord opposite and the rabble of Westminster, and this it was which made and still kept him a prisoner. Strange and honourable was the history of that Prince, strange and honourable were his consistent misfortunes. In his youth imprisoned in France for the crime of being born a Spanish Bourbon, in his old age the same cause had produced the same punishment. In 1808 Napoleon had the satisfaction of incarcerating Don Carlos at Vallencay, in 1841 his dust returns from St. Helena, and finds his former victim a prisoner at Bourges. So true it was that Liberalism was ever the same, ever false and tyrannical whether it be exhibited by Emperor, Citizen King, or Liberal Diplomatist. He turned from the heartless, cruel, and faithless Liberalism of the day, and asked the gentlemen of England to disavow all connection with it. Too long had they suffered the honour of Monarchical England to be prostituted at the shrine of Foreign Democracy; too long had they pandered to the jealous fears of every usurping dynasty; too long had they consented to act as gaolers for French and Spanish Liberalism; let them at last recover their proper position; let Spain, let Europe be told that they entered into no war against the principles of Legitimacy; let France be told they do not require her to detain one of their most consistent and virtuous exponents; but, rising to the height of our old dignity and former renown, let them vindicate the claim of England to the confidence of the old Monarchies of Europe; and, above all, let them now undo, so far as they can—for alas! they could not restore thousands to the homes and happiness of which they had deprived them—the wrong which they had committed towards a Prince who never injured this country—who never harboured an ungenerous thought against England—and whose continued detention, he believed in his conscience to be a foul insult to justice, and a still fouler dishonour to this country. He moved—

"That an humble Address be presented to Her Majesty, representing to Her Majesty that the continued detention of Don Carlos and his family in a town belonging to Her Majesty's ally, the King of the French, is opposed to justice, and the honor of this country, and humbly praying Her Majesty to intercede with the Court of the Tuileries for their deliverance therefrom."

Sir *R. Peel* said, he felt it to be his duty to express his hope that the House would not accede to the Motion of the noble Lord, and that it would not think it consistent with its duty to present an Address to Her Majesty representing

"That the detention of Don Carlos and his family in a town belonging to Her Majesty's Ally, the King of the French, is opposed to justice and to the honour of this country."

What! "to justice and to the honour of this country"! The noble Lord proposed that the House of Commons of England should present an Address to Her Majesty, denouncing an Act of the French Government—an act of Her Ally the King of the French, and declaring that act to be inconsistent—not with the honour of the French Government—of the King of the French—but with the honour of this country. Although he opposed the Motion of the noble Lord, yet still he trusted that in opposing it, the noble Lord would not consider that he was devoid of those sentiments of natural sympathy with which every one must contemplate a Sovereign Prince in misfortune. No one could contemplate the present position of a member of the Illustrious

House of Bourbon without feeling that sympathy, and without wishing, whatever course policy might dictate, that that course might be reconcileable to the claims of humanity, and to a due consideration of the dignity of an unfortunate Prince. But he did deprecate, on great public principles, the idea of this House interfering in respect to the conduct of the French Government. This matter was brought under discussion in the French Chamber last year. A member of the French House of Peers then called its attention to the detention of Don Carlos. The peer asked these two questions of the French Government:—

> "Was the restraint imposed on Don Carlos imposed on him in consequence of obligations growing out of the Treaty of Quadruple Alliance? And was this restraint imposed on Don Carlos by the French Government, not because the Government of France thought that restraint politic or desirable, but at the instance and in consequence of the application of the Government of England?"

The answer given to these questions was this:—

> "The Quadruple Treaty has ceased to exist, the object of that Treaty has been attained; it is not, therefore, in consequence of any obligations arising from that compact that Don Carlos is put under restraint."

In answer to the question whether the restraint was imposed at the instance of the English Government, the answer of the French Minister is—and he had in the original the statement of the organ of the French Government, distinctly stated:—

> "That the French Government is acting with regard to Don Carlos on views of French policy, and in consideration only of the interests of France."

That Minister added also, on a similar question being again put to him that he would take no notice of debates which had passed upon the subject in the Parliament of England—it was sufficient for him to say that the detention of Don Carlos had its origin in the interests of France (*dans les interets Francaises*), and was justified by the laws of France. If this was true—if the French Government placed a person under restraint for the interests of, and according to the laws of France, would anybody think it desirable that they should present an Address to the Crown, calling upon it to interfere with the actions of the French Government, but, above all, that the House of Commons should stigmatise the actions of the French Government as "opposed to justice, and to the honour of this country." Yet that was what the noble Lord called upon the House to do. What was the position of Don Carlos in Bourges? The noble Lord stated that he was a prisoner—he represented him as a prisoner of war, detained under unnecessary and unjust restraints by the French Government, within a walled town. He thought the noble Lord was mistaken. In this country, certainly the law would not justify the Government in imposing restraint upon Don Carlos, or upon any foreigner. The Alien Act had expired, and he knew of no authority by which the Government of England could impose any restraint upon a foreigner not disobeying the laws of the country. But they must not infer that the law of France was the same as that of England in this respect. No restraint was placed upon Don Carlos, which was not justified, he apprehended, by the existing law of France: so said the French Minister. He stated that, although a person of exalted rank, Don Carlos was still a refugee. Pressed by the calamities and dangers of war, he had sought a refuge within the territory of France. He had claimed the hospitality of France, and that claim had been acknowledged. But there was a law in France, which enabled the Government of that country, when it tendered its hospitality, and admitted the claim preferred by the unfortunate—there was a law which empowered the Government to place foreign refugees under distinct superintendence and strict surveillance. Now, there were at present upwards of 12,000 refugees from Spain, who were receiving the rights of hospitality—at least so far as the protection was concerned within the territory of France. Many of the general officers who had taken part in the struggle upon the side of Don Carlos—Cabrera, he believed, as well as several other brave men of rank and distinction similarly circumstanced—were residing in France. Now, surely, it could be well conceived—considering the vicinity of Spain to France—considering that they were separated only by an imaginary boundary—that, while France conceded protection to unfortunate Spanish Refugees, it was absolutely necessary that, in order to prevent her territory being made the focus of intrigue against a neighbouring and friendly power to prevent it from being made a spot from which might be directed the cabals and the efforts of hostility; that that law of France, which enabled the Government to subject refugees to a most vigilant control, should be strictly, but, at the same time, most justifiably acted upon. The law of France, which subjects those parties to a certain degree of control, may be a law perfectly justifiable upon the first principles of equity. But we were not entitled to discuss the question of, whether it is equitable or not. It was enough for us that the law existed in France, and that the French Government had deemed it right to apply it to all to whom it was applicable indiscriminately—to the lowest as well as to the highest;—to the peasant Refugee as well as to Don Carlos. The French Government subjected him to a certain degree of restraint, not, as it had been said, upon the application, and at the instance of the English Government, but because they considered themselves justified in so doing, by the laws, as well as by the interests of France. What right had the House to interfere, and to address the Crown? What right had they to pronounce it inconsistent with the honour of England, that the French Government should exercise its own discretion in administering its own laws. By adopting such a course, they would be offering the French Government an example for it to interfere in our own internal policy; and how, he would ask, was it possible to respect the independence of a Government, if, because we thought that some person had—truly or not—some cause of grievance under another Government, that he was detained unjustly, or, at all events, in a manner not sanctioned by the laws of our country—if, because of all that, we called upon the Crown to interfere. To sanction such a procedure would involve the sanction of interference of the most dangerous kind—interference almost without a limit—and where the power interfered with was the weaker, perfectly destructive of the legitimate authority of the country. Suppose that the Address to Her Majesty should be carried—suppose that the French Government should decline to accede to it—suppose that Her Majesty should, in the first place, inform the Government of the King of the French, that their detention of Don Carlos was inconsistent with justice, and with the honour of England, might not and would not the reply be, "We care nothing about your consideration of your own honour; your honour is not to dictate our course in the advance of our interests, and in the administration of our laws; and in answer to your interference, we have only to return a peremptory denial of your request. Not only in consideration of our interests, but in consideration of other grounds we resist, and resent an interference with the independent exercise of our authority." In what position would such an answer place the Government, and what might not grow out of it? Would they follow up proceedings, or acquiesce in the reply? What would be the position of the Foreign Secretary of England, when he stated to France, that the detention of a Refugee from another country was inconsistent with the honour of England? But at the same time, when he said that the French Government would not consent to justify their conduct in the face of the Chambers, by stating that it was pursued at the instance of England, he would add, that when he remembered the condition of France and of Spain, and the obligations mutually contracted by both countries, he must say, that he thought France was justified in appealing to the law which she could enforce against humble Refugees, to restrain a person whose power of disturbing the peace of Spain was so much greater than that of any other. Thus, then, although France had not adopted her policy at our instance, yet he could not say, looking at the state of Spain—how it had been so long torn by civil wars—how horrible was its condition—how unfit, under the present circumstances, for the exercise of great power—how party had been arrayed against party—how savage had been the warfare waged in it—how tremendous had been the attack made by the late civil contests on the liberties of Spain; looking at all these circumstances, he repeated, that if they asked him whether this new element of confusion should be allowed to proceed to Spain, there to light up the flames of civil war — he would reply, that the Government of France, from considerations of the tranquillity of Spain, and the interests of France should, if a law restraining foreign Refugees, existed, put it in force in the present case. He thought that a comprehensive consideration of the true and paramount interests of Spain, and not only of Spain, but of France, and of this country—wishing as both did for the restoration of constitutional government in Spain—but wishing most of all for the termination of those horrible civil conflicts which impeded the return of tranquillity and obstructed the advances of national prosperity; he repeated, that such a comprehensive consideration, induced him not to disapprove of any exercise of legitimate authority upon the part of France which might prevent the return to his country of Don Carlos. There was, they must consider, an infant Queen, just declared capable of sovereignty, whom this country and France had lately recognised, and the natural effect of the success of this Motion would certainly be to disturb the prospect of returning peace, were Don Carlos to be permitted—without any engagements on his part for his future behaviour, and with him all his adherents—to return to Spain. But it was unnecessary for him to go into these circumstances, for here was a French law, and the execution of a French law proposed to be interfered with. This was the leading principle of the proposition, and the principle on which he protested against the Motion, believing, as he did, that they could make no application to France of the kind which would not lead either to humiliation or to war. At the same time, he would express a hope now, as he had done before, that every attention would be paid to the comforts, and consideration made for the dignity of Don Carlos. Harsh acts of authority might be sometimes justified by considerations of policy; but nothing could justify any unnecessarily and personally harsh measures. Let them, however, recollect that Don Carlos was a member of the Bourbon family; and surely the presumption was, that the King of the French, himself a scion of that House, would treat Don Carlos with that respect and natural sympathy which might, under the circumstances, be expected; and that those considerations which must weigh with Sovereigns, would impart to that monarch that feeling which would make him seek to reconcile acts of public policy, with a sense of what was due to the dignity and the misfortunes of the captive. The only ground upon which they could possibly make any representation to France, was when they could withhold their approbation from the way in which Don Carlos was treated, in the case of any unnecessary and personal harshness being applied. Now, no man could view the position of Don Carlos with more sympathy than he did, but he could positively assert, that so far from being in prison, the unfortunate prince had free permission to go anywhere within four leagues of Bourges—that he had free permission to visit any house in the neighbourhood, and that the residence of the Archbishop had been offered to him, an offer which, had it been accepted, would have obviated the necessity of much of the restraint under which he was placed. It was painful for him to have to answer for any acts of the French Government; but still he was desirous that no unjust prejudice should attach to those acts—more particularly as they had been united in promoting the interests of the ruling family in France, who could have no wish for the detention of Don Carlos, or for subjecting him to the slightest personal restraint inconsistent with preventing him from exciting fresh disturbances in Spain. If, indeed, Don Carlos would give his engagement that he would go to some other part of Europe—if he would frankly state on the honour of a prince—and if he did so he was sure Don Carlos would honourably preserve his engagement—if he would state that he would abandon all thoughts of attempts to enter Spain, and would go to some part of Europe, where he could harmlessly enjoy his liberty, then he would say, that as far as this country was concerned, and he believed that so far as France was concerned, there could be no objection to such a course. He hoped that he had said enough to show, that whatever the House might think of the position of Don Carlos, nothing could be more contrary to precedent, or more dangerous, than to agree to an Address to Her Majesty of the nature proposed. He hoped that the Motion would not be pressed to a division; that they would not risk the present relations of amity between this country and France; that the noble Lord would not subject England to such a risk, because certainly a reply to a demand for the liberation of Don Carlos, must, as he said before, subject the country, on the part of France, to either humiliation or resentment.

Mr. *Smythe* said, that nothing in the world would induce him to support the Motion of the noble Lord did he believe, with the right hon. Baronet who had just spoken, that it was purely, solely, and exclusively a French question. As he had understood the right hon. Baronet, he said that the adoption of the course suggested by the noble Lord would involve the country in a most mischievous interference in the affairs of France. It appeared, however, that on a former occasion, upon a report reaching this country, that it was the intention of the French Government to release Don Carlos from imprisonment, England remonstrated with, and protested against, such a step being taken; and it was almost on the dictation of England that France had then acquiesced in the course which was then suggested on the part of this country. Such a report could not have been without foundation. Remonstrances were not addressed by Governments upon such reports as that of yesterday, that the Dublin had been blown up by a French squadron. He had a right, then, to assume, that there was something real in this report and that it had been the probable intention of France to release Don Carlos until the remonstrances of England prevented its so doing. He would, then, say, that no other Ministry in France, he would not call it a French Ministry, would have acquiesced in this most unwonted dictation. What had the English Government asked M. Guizot to do? To stultify and compromise, and degrade the free character of his country.. And what country was invited to this act of degradation? France! France, the foremost of the nations, who had fought the great battle of freedom of opinion, and who had conquered the great right of private judgment. Yet England insisted upon her persecuting freedom of opinion, and visiting the right of private judgment with penalties and prisons. He had been curious to hear upon what pretext this would be justified; upon what pretence they had sanctioned the continued imprisonment of him whom he was glad to hear the right hon. Baronet call "a Sovereign Prince." The pretence was, that it was imperative upon British Statesmen to prevent the introduction of any new element of discord into the Peninsula. But this argument, they should recollect, told with ten times as much force against Christina as against Don Carlos. No one could doubt, that she at least would be a new element of distractions and disturbances, and that in their motives and their object these would be more unworthy, because they could not be national, than any Don Carlos could promote. Christina was more French than the French Ambassador—she would be the cynosure of French adventure—the rallying point of French intrigue—the new Des Ursins beneath the influence of whose intrigues the Pyrenees were again to disappear. Why, then, had not the Government protested the other day against her voyage?—

"——— Dum Capitolio
"Regina dementes ruinas,
"Funus et imperio parabat,
"Contaminato cum grege turpium
"Morbo virorum; quidlibet impotens
"Sperare, fortunâque dulci
"Ebria."

Because, it would be answered, Governments had one justice for the strong, and another justice for the weak; one justice for the poor, and another for the rich; one justice for Don Carlos — poor, discrowned, abandoned—and another for Queen Christina, the royal defaulter of unaccounted millions, and the *protegée* of the Tuileries. But, as they were thus determined to maltreat Don Carlos, as they were virtually his gaolers, they might as well become so in reality and in effect. They might thus have another candidate for the honours of Carrickfergus; they might present the spectacle of a country which boasted her own freedom—the freedom of her every institution—persecuting with the most strict impartiality the extremes of all opinions,—the extreme of democracy on the one hand, and the extreme of absolutism on the other. But if they had no shame for these things, let them look at their interests. Was it their interest to disgust and make enemies of every party in the Peninsula? When a Spaniard saw these flourishing declarations of attachment for Spain on the part of British Statesmen, he might think of Madame de Sevigne's attachment to Provence, of which she said, that one would have liked Provence very well if there had been no Provençals. So, their Government might have liked Spain very much if there had been no Spaniards. Why, they had disgusted and made enemies alike of Moderado, Exaltado, and Carlist. The Moderados they had flung into the arms of France by their abetment of that series of outrages which began at La Granja and ended at Barcelona. The Exaltados, a more national party, a strong ally against French influence, they had abandoned and deserted. Espartero they had not had the courage to uphold, although he was the very type and symbol of English necessities and wants. There remained another national party — the Carlists — with their

Basque provinces, their peasantry, and their priests. Was it well that Louis Philippe should say to them, "It is not France, it is free England which is thus insulting and outraging Spain by the detention of a Spanish Infante?" Louis Philippe was perfectly aware of the value of such a fact. He knew that history sometimes repeated itself; that there was once a Charles, and a Bourbon, a common ancestor of Don Carlos and himself, who, relegated to this same city of Bourges, recovered his kingdom in spite of English arms and English influence. Such things might happen again in the person of Don Carlos or his son. Some military adventurer—of those now or hereafter high placed in Spain—might prefer the *rôle* of Monk to that of Espartero; and if so, why France would again have the advantage. In no possible contingency could they hope for a commercial treaty for any of those just claims so conducive to the interests of both countries. It was always to be the old story of Fontenoy over again. They were always to give France the first fire. But he knew he was speaking to ears that had been charmed by the voice of the charmer. He knew there was little chance of persuading the House, even as a matter of interest. If it was a question of property —a Northampton and Peterborough Railway Bill—he might hope for something; but in a question of mere justice like this, he knew the fate of his noble Friend's Motion. He would, however, even from that floor, make an appeal from them to that high person to whose hands the perpetration of this foul wrong was committed. He would beg him not to abet this harsh, this blind, this selfish policy. He would abjure him not to be indifferent to that fame which would soon be with other generations. He believed then, that when party heats had passed away, they would not echo the sneers of the right hon. Member for Dungarvon. They would not taunt Louis Philippe with being a King of the Barricades. They would say, that at least, if he did not inherit the legitimacy of the Bourbons, he inherited the fairer portions of their character. They would add that he had given proof of signal military talent, and at as early an age as the great Condé. They would remember that he had suffered exile with as much fortitude and less stain to his honour than Francis I. They would bear in mind that he had ruled over a disunited people with as much skill, and scarcely less success, than Henry of Navarre. They would know that he had founded mighty works with a munificence second only to that of Louis XIV.; but, above all, they would record of him that he gave in himself and in his family an example of domestic happiness and unassuming worth which was looked for in vain among his ancestors, and to which there could only be a parallel in the English Contemporary Court. But, whilst they remembered that such were among the great and princely qualities of Louis Philippe, let them not also have it to say that these qualities were tarnished and obscured by a constant and cruel persecution of opinion. Least of all let them have an opportunity of declaring that, among his many victims, was that royal kinsman who, failing but two lives, was the head of his illustrious family—who had, like the French King himself, known poverty, and exile, and persecution; but who, unlike him so interpreted the obligations of an oath that he forebore to conspire against a Monarch, although that Monarch was not his benefactor, and who, therefore, had nothing to leave to his children but the inheritance of his misfortunes, and, it might be, the redressal of his wrongs.

Viscount *Palmerston* said, that he was desirous of making a few remarks on what had fallen from the noble Lord with reference to the affairs of Spain at the time that he (Viscount Palmerston) was connected with the Government of this country. The noble Lord had said, that Isabella was placed upon the Throne of Spain by an intrigue, and that Don Carlos was the legitimate heir. But there could be no doubt that, by the laws of Spain, by the will of her father and by the decision of the Spanish nation Isabella was the rightful Sovereign. The questions had been before fully discussed in that House. The use of the British Legion, and such aid as had been afforded by the British Fleet, had been given in pursuance of the Quadruple Treaty. The noble Lord who had brought forward this Motion, had said that the Carlists were for a long time ignorant that the British Squadron was to take part in the contest, and were taken by surprise when it did so, and he had given a picturesque description of some boats issuing forth in the darkness of the night, and firing on the unsuspecting troops of Don Carlos; but had the noble Lord ever read the Quadruple Treaty, and the additional Articles, in which it was distinctly promised, that the British Navy should aid the cause of the Queen of Spain. The noble Lord could not be ignorant of what our engagements were under that Treaty. The terms of that Treaty were plain and open to every one, and nobody could justly plead ignorance of them. The noble Lord had done the late Government the honour to say, that they had faithfully and successfully fulfilled those engagements. The noble Lord had said, that it could not be doubted, that the interference of the British Government was the great agency by which the cause of the Queen had triumphed over the cause of Don Carlos. He accepted the compliment, which was just, as far as regarded the intentions of the Government; but the noble Lord carried his assertion too far, for though the assistance of England was a most important and efficient aid to the cause of the Queen, nothing but the enthusiasm of the Spanish people in favour of that cause, could have rendered it finally triumphant. There was no doubt that the late Government had been sincerely zealous. It was true that they had a naval force on the coast, but that force and the few marines they had with it would not have been sufficient to turn the contest in favour of the Queen, had not the majority of the Spanish people supported her cause. The noble Lord had spoken in a manner not very fitting of the conduct of British officers employed on that service, and he had talked of Lord John Hay as "a go-between." It was true that the noble Lord had said, he did not mean any offence in using that term, but if the noble Lord did not mean offence, why did he not make use of the term "mediator," which was a proper English word, and one which correctly described the capacity in which Lord John Hay acted. It was due to Lord John Hay to say, that he ably and well discharged his duties as a British officer, and successfully executed the instructions which he had received. When the noble Lord had informed them that Lord John Hay, by his mediation in the Basque Provinces, had contributed to put an end to a war marked by atrocities and cruelties greater than had ever stained the annals of civil war in modern times, he (Viscount Palmerston) considered, that it was an act to which that gallant Officer would ever look back with the greatest pride, and to which his country would bestow their unqualified approbation. The noble Lord had censured the conduct of the late Government in having, at the time when Don Carlos was in Spain, given orders to the British ships off the coast of Spain not to receive him on board in case he demanded their protection. He avowed that they had done so by British interference. Don Carlos had been rescued when he was on the point of falling into the hands of Rodil; from the fate that threatened him in Portugal. He had been hospitably received by a British officer on board a British ship, and conveyed to the shores of this country, where every attention was paid to him by the British Government during his stay, and could it be forgotten, that the way in which Don Carlos had repaid that generous treatment was by issuing the Durango decree, and by ordering to be put to death, in cold blood, gallant soldiers our fellow-countrymen, taken bravely fighting on the field of battle, he (Viscount Palmerston) would have been ashamed of himself if, after such a base return for the kindness of this country, Don Carlos should again have been allowed to shelter himself under the protection of the British flag. Instead of feeling it a reproach, that such an order had been issued, he (Viscount Palmerston) thought, that he had only discharged his duty towards brave British subjects who had engaged in the British Legion, not only by the formal consent of the Sovereign, but, with the encouragement of the British Government. So much upon that subject. The noble Lord had said, that the British Government had interfered afterwards, when Don Carlos entered France, to prevent the return of Don Carlos to Spain. The noble Lord, of course, alluded to the communications that had taken place in 1837. Certainly the British Government thought, that it would not be consistent with that regard which both Governments had for the internal tranquillity of Spain to allow Don Carlos to leave France, unless under an engagement, that he would not return to Spain, and again light up in that country the flames of civil war. But it was not the intention of the French Government to set Don Carlos at liberty even without any interference on our part, and he was bound to say, that they did not adopt the course they did out of any deference to the wishes of England, but because they felt, that it would be for the interest of France herself, that he should not be allowed to return to disturb the tranquillity of Spain. It was upon a like principle that France had acted originally in concluding the Treaty into which she had entered with respect to the affairs of Spain and Portugal.

Now, with respect to the present Motion, he agreed that it would be a most unbecoming thing, that this Government should state to a foreign Government that the honour of the British Nation required that something should be done which it depended entirely on that foreign Government to do. He could not conceive anything more absurd, more undignified, than that our Government should say to another Government, "Our honour requires that you should do so and so." Why they would answer, "You are certainly the best judges of your own honour, but with that we have nothing to do. We are however the best judges of our own interests—look after your own honour and we will mind our own interests." They would either have to submit to a humiliating answer of this kind, or their demand must be enforced by arms, and they would be compelled to go to war for that which was not sufficient to call for such an alternative. The noble Lord had urged upon the right hon. Baronet the propriety, that Don Carlos should be treated with that consideration, which was due to a person brought up as a member of a Royal family—with high expectations which had been disappointed—and who, instead of sitting upon a Throne which he had been taught to expect, was now subjected to that restraint which belonged to the condition of a refugee in a foreign country. Undoubtedly this situation was one which ought to be viewed with every possible indulgence. He agreed with the right hon. Baronet in the hope—he would say the confident hope, that the French Government not only would, but did, observe in their treatment of Don Carlos, every degree of indulgence suitable to his condition, and compatible with the single point of preventing his return to Spain. He had no doubt, that if even now, Don Carlos would pledge his word of honour—a pledge which he was sure he would not break—that, if he was set at liberty, he would not return to Spain; he had no doubt, that if that promise was solemnly given, his detention would cease, and he would be at liberty to go to any other part of Europe which he might think fit to choose for his residence. But, it was understood, that so far from giving any of these assurances, Don Carlos would not surrender his claims in favour of his own son, and that if he was set free from restraint at the present moment, there was every reason to believe that he would return immediately to Spain, and that unhappy country, now torn by parties, would be still further convulsed by that additional element of disturbance. The noble Lord, in his speech, implied that England ought to support in Spain that party, and that party alone, which was favourable to British interests. Now, that was to suppose, that the interests of this country in Spain were identified with some particular party in Spain. Now, this was not the policy of the late, and he believed he was correct in thinking, that it was not the policy of the present Government. The only party which it was the interest of the British Government to support in Spain was the Spanish nation. They had no interest to carry in Spain by supporting one division of the country more than another. The interest of England was, that the Spanish nation should be strong, independent and prosperous. What they wanted was, that Spain should be a strong and substantial State, and an element of the balance of power in Europe. They had no party interest to maintain in Spain. The interest of England was to maintain whatever party was best capable of supporting and maintaining the real independence of the Spanish nation. As to supporting one party rather than another in the hope of getting a better commercial Treaty he thought, that any petty object of that kind would be unworthy of their consideration. The wise and proper policy of this country was to support in Spain the perfect independence of the Spanish nation. That was the only wise policy to be pursued, and such policy was generous as well as wise, and must in the end be successful.

Mr. *B. Cochrane* said, that he was happy to hear the last words that had fallen from the noble Lord—he was happy to hear the opinions he had just expressed as to the policy that would be adopted towards Spain, and he (Mr. Cochrane) could only say, that he could not see how those declarations could be made consistent with the policy that had been pursued by the noble Lord. The noble Lord had referred to some observations that had fallen from his noble Friend who introduced the Motion with respect to Lord J. Hay. He was sure that those observations could have had no relation to the conduct of Lord J. Hay, personally, but to those who gave the orders which

Lord J. Hay had merely fulfilled. The noble Lord (Lord Palmerston) had moreover said, that the time when Lord J. Hay interfered, the feelings of the country was in favour of the Queen, but if the papers that were before the House were true, he did not see how that statement was consistent with the noble Lord's own correspondence with that officer. This correspondence extended from the time when Lord J. Hay went to Spain, until the period when he interfered with Maroto in that foul act of treachery, in that foul treason which Maroto had perpetrated. He found that Lord J. Hay, writing to the noble Lord on the subject of the state of Spain, in the summer of 1839, distinctly stated—

> "At this time parties are so equally balanced in Spain, that it would be very difficult to say what would be the result of the existing contest, or how long that contest might continue."

There was another point of the noble Lord's speech which he wished to notice. The noble Lord had stated that he thought that if Don Carlos was set at liberty, he would act like a man of honour. Now, he was glad to hear that declaration coming from the noble Lord, because he had heard it stated by some hon. Gentlemen that, on one occasion, Don Carlos had forfeited his personal honour. He was glad to hear it now stated, on the authority of the noble Lord, that if Don Carlos was now liberated on the faith of his personal honour that he would not violate that pledge. The noble Lord had said that he was sure Don Carlos would not. In former years he (Mr. Cochrane) had heard declarations that representations had been made with respect to the treatment of Don Carlos, and that the consequence was, that his treatment had been much improved. He had been lately at Bourges and he thought that it was the best way to have a personal communication with Don Carlos himself upon the subject, and the condition of that Prince, as His Royal Highness described it to him, was worse than it had been before. One of the articles agreed upon between Maroto and Espartero was that Don Carlos was to be treated as an Infanta of Spain. Now what, did they think, was the allowance granted him? Why, 15.000 francs per year, a little more than 600*l.* a-year of our money—irrespective of the rent of a House, and this was the whole of the expense which was incurred on his account. He was lodged in a most miserable room, and he believed that the whole accommodation of the Prince consisted of three rooms for himself. It had been asserted that he might ride about to the distance of four leagues from Bourges. It was true that he might, but then he was followed by *gens d'armes*. Wherever he went there were four *gens d'armes* and two agents of police to follow him and watch his movements. He had heard that during the five years which Don Carlos had been shut up in that place, he had never been allowed to enter one house in the town. Last year, when he and the noble Lord visited Don Carlos at Bourges, they had been allowed to enter his apartments at once, but this time they were obliged to obtain permission from the authorities in the town before they could see him. The feeling of Don Carlos was, that the manner in which he was treated there was sanctioned by England. He was sure that the right hon. Baronet would do his best to ameliorate his condition, but the feeling of Don Carlos was, that both the French and English Governments were leagued to keep him in his present state. Now, it must be remembered, that when Napoleon was sent to St. Helena the expense annually to this country was between 12,000*l.* and 20,000*l.* a-year, and surely this was not the occasion in which miserable motives of economy were to operate, and allowance of this kind was to be doled out to one who was not only a Prince of the Blood in Spain, but who was also a relation of the present King of France. There had not been one insurrection, nor one state of excitement in Spain that had not been promoted by the means of French intrigue. Christina, by the aid of foreign intervention had been placed on the Throne of Spain, and she might have secured peace in Spain. But her Government was induced by French intrigue, to make war on her municipalities; Calatrava was succeeded by Espartero; then came another French intrigue, headed by Diego Leon, and others, in which the palace was entered and invaded, to very near the apartments of the Queen, until Espartero, with that gallantry that distinguished him, whatever might be his faults, had put down that outbreak, and arrested the outrage. There had been another insurrection last year, which had been better managed than the former, as only a few taverns had been bombarded, and the result of this last insurrection was, that Espartero had been turned out of Spain, and Narvaez become almost absolute. Then Olozaga became Prime Minister of Spain, but Olozaga was turned out of office and out of Spain on some absurd allegations, and they had at length the Ministry of Gonzales Bravo, ex-editor of the *Satirist* of Spain, and now they had Queen Christina returned back to Spain, not with the Crown jewels, but no doubt with a great deal of judicious and delicate advice from France. The whole history of the policy of France towards Spain, from the time when the Bourbon family first entered that country from the time when Louis Quatorze made use of that remarkable expression, " There is now an end to the Pyreness"—from that time to the present—whether under the Monarchy—under the Consulate, or under the Empire—the whole policy of France with respect to that country had had but one object—to make Spain a province of France. Well, Louis Philippe had been placed on the Throne of France—and his object seemed to be to overturn dynasties, and to put down what he appeared to consider to be the mischievous and traitorous doctrine of National Sovereignty. It was not his intention to enter much into the subject, but many who were refused the support of Governments in the present day had been respected in the olden time. He would say, that let them look around Europe, and see how few of those who were respected in the olden time now enjoyed that respect and support to which they were entitled. It was the interest of the King of the French to advocate his own opinions—but still he ought to recollect that as there had been great changes, so other great changes might still happen. He agreed with the right hon. Gentleman the Member for Dungarvon when he said that the Crown of the " King of the Barricades was not established either on the principles of legitimacy or on the principles of democracy." He should recollect that the Duc de Reichstadt and the Duc de Bourdeaux had been born under circumstances not less glorious, and had been surrounded in their early years by courtiers not less obsequious than the youthful Members of the present Family of France. One of these Princes died in exile, and the other was now a wanderer about Europe, and whose misfortunes did not render him secure of a hospitable retreat even in England Therefore, who was to say that where such great changes had happened, there might not be some further changes still? He would ask the House and the country to consider the conduct of those who endeavoured to reconcile inconsistent and discordant principles. The right hon. Baronet supported Christina in Spain and Espartero in London. At the time that he acknowledged Espartero he sent a Minister to Madrid, and he explained this on the principle, that he recognised Espartero as *de jure* Regent of Spain, whilst he recognised the Government to which he accredited a Minister as the *de facto* Government of Spain. Well, then, why not apply the same principle to the case of the Duc de Bordeaux, and, while they admitted the present King of France to be the *de facto* King of that country, why not acknowledge the Duc de Bordeaux as the *de jure* King of France? For his (Mr. Cochrane's) part, he could not understand that sort of Toryism which could attempt to combine the support of the principles of legitimate monarchy with the support of the principles of democracy. That was not the Toryism of the olden time. That was not the Toryism that was understood when Mr. Pitt was alive, and that great man never acknowledged Napoleon to be the Emperor of France, and our blood was shed, and our treasure expended, and our energies exerted, under the guidance of Mr. Pitt, in support of the principle of legitimacy. It was the duty and the interest of a great country like this to encourage and maintain a high public morality. He had witnessed a strange scene the other day in the French Chambers, when the Prime Minister of France uttered the words " *moralité publique.*" There was not one man who heard them, whether upholder of the Empire, of the Restoration, or of the Usurpation, who did not receive the expression with contemptuous cries. He wished to see this country maintain a high public morality, but where were they to look for the high public morality of former days? He found that in February 1830, his Majesty came to Parliament, and declared in his Speech from the Throne, that his relations with Foreign Powers, and amongst others Most Christian France were uninterrupted, and at the end of that same Session the Prime Minister of that day came and informed the House that the elder branch of the

Bourbons had ceased to reign in France, but that that event would not lead to any change in our diplomatic relations with that country. Now, if the people of France by their free will, placed the Duc de Bourdeaux on the Throne of France, and the people of Spain placed Don Carlos or his son upon the Throne of Spain, would not the British Government acknowledge them? He believed that they would, and he believed that they would do so for this good reason, that there was great virtue in success, and that misfortune was generally disregarded. He would say, in conclusion, that it was a dangerous principle in our own country to talk so much of revolution. He thought it would be better to conceal from the people the basis on which these modern Thrones were founded, because a generation of men might rise up stronger than the present generation and say that their idea was in favour of national sovereignty, and that the people ought to have a sovereignty for themselves. He had spoken warmly — perhaps too warmly—but he did so because he spoke on behalf of a Prince who was unfortunate, and who, if he were not unfortunate, but successful, they would, he was sure, have been delighted to honour.

Sir *C. Napier* regretted that he was not present when the noble Lord brought forward his Motion; for he would have been glad to hear the noble Lord's reasons for taking up the case of Don Carlos. He thought the noble Lord could not be acquainted with the atrocities Don Carlos had committed in the north of Spain, or he would have been the last man to wish for his release from prison, or, rather, from a comfortable retirement. He believed the career of Don Carlos was pretty well known. When Don Ferdinand wished his daughter to be acknowledged as his legal successor, Don Carlos, by stealth, or without permission, took up his residence in Portugal. After the Cortes had taken the oaths of allegiance to Don Ferdinand's daughter, Don Carlos was invited to return, and take the same oaths; and, if he did not think proper to do so, a frigate was sent to Lisbon to convey him to Italy. Don Carlos had promised the Spanish Minister not to leave the place where he then was; but he broke his promise and went to Cintra, where he met Don Miguel, who had quitted his head-quarters to meet him. After a short interview Don Miguel—who did not wish the circumstance of the conference to be known — returned to his head-quarters, unaccompanied by his staff, and in a naval uniform. Don Carlos then went to the frontier of Spain, where an army under General Rodil was collected; he thought, no doubt, to play a great part, and advanced towards the frontier with a small escort, but the Spaniards would have nothing to do with him, and with some difficulty he retired to the interior of Portugal. After the destruction of the Miguelite fleet before Oporto, and the occupation of Lisbon, Don Carlos still remained in the interior of Portugal. During the winter, when it was uncertain which party might be successful, Don Carlos endeavoured, under various pretexts, to introduce a Spanish force into Portugal. Don Carlos joined Don Miguel, and in a short time afterwards the insurrection in Portugal was repressed. A ship was then sent to the coast of Portugal to receive Don Miguel, and, with great difficulty, he contrived to embark, and was rescued from his perilous situation. At this time, a Frenchman attached to Don Carlos, the Baron Roncesvalles, wrote to Sir W. Parker, the British Admiral, on the part of Don Carlos, praying for an interview. The request was granted, and an interview took place secretly, on board the flag-ship. The Admiral and the British Minister fell into the snare which had been laid for them. Don Carlos professed his wish to go to Italy, but the Admiral and the Minister told him he must go to England, and that was just what he wanted. Don Carlos was asked to give a pledge, but he refused to do so; and, in this case, therefore, he was free from the charge of having broken his word. There was not, however, any doubt that he succeeded in bamboozling our Minister. He said at the time, that Don Carlos ought not to have been received on board a British man-of-war; there ought to have been no interference either on the part of the British or of the French Government—if the French Government did then interfere, of which he was not certain; but, at all events, Don Carlos ought not to have been allowed to quit this country until the decision of the Allied Powers was known. Don Carlos was, then, embarked on board the Donegal, without having given any pledge; he was brought to this country; the then existing Government again wished him to give a pledge, but he declined. He was allowed to live quietly in England; but the Government little knew what a cunning fellow he was. In fourteen days after his arrival in this country, Don Carlos was across the Channel; and in a few days afterwards he was in the Basque provinces. Did the hon. Member wish Don Carlos to return again to Spain? Did the hon. Gentleman remember how much blood Don Carlos had been the cause of shedding, in a useless attempt to become the Monarch of a people who did not wish to have him for a Sovereign? It was true Don Carlos was popular in the Basque provinces, but would any hon. Gentleman assert, that he was popular in any other part of Spain? Did not Don Carlos send 3,000 or 4,000 men under a very active and experienced General, who went throughout Spain, plundering every province they visited, laughing at the Queen's troops, and who afterwards returned with their plunder to the Basque provinces, where they were ill received by their master? It was known that an army of English auxiliaries thought proper to enlist themselves against Don Carlos. He (Sir C. Napier) considered this a very improper interference; and he certainly thought, that English troops were generally the worst auxiliaries to be found anywhere. Don Carlos issued a Decree that every prisoner taken should be put to death. Had hon. Gentlemen opposite never heard of the Durango Decree? Not only was this order given, but it was carried into effect. Did the English auxiliaries retaliate? He defied hon. Gentlemen opposite to show that General Evans, who commanded the English auxiliaries, had ever issued an order, or even given a hint, that prisoners taken from the party to whom he was opposed should be put to death. He believed, that if Don Carlos had fallen into the hands of General Evans, he would have been treated with every consideration and respect; while if General Evans had been taken by Don Carlos he might have anticipated far different treatment. Lord John Hay had been mentioned; and he (Sir C. Napier) must say, that he considered the conduct of that noble Lord throughout had not only been that of a brave and excellent Officer, but also of an admirable diplomatist. Lord John Hay had, in fact, conducted the whole business, and though, as he (Sir C. Napier) believed, that gallant Officer was a Conservative in politics, the Government had such confidence in him, that he was selected by them to discharge this duty, and he fulfilled it to the entire satisfaction not only of the noble Lord (Lord Palmerston), but of the Conservative party, who were opposed to the then Government. He conceived, that too much credit could not be given to Lord John Hay for his conduct; and he was astonished that a man who had rendered such extraordinary services remained without any reward from the Government, although an extensive promotion of the Order of the Bath had taken place. Lord J. Hay sent to the Government a list of Officers who had distinguished themselves under his orders, and whom he recommended for promotion, but he asked nothing for himself. The hon. Gentleman (Mr. B. Cochrane) had complained that in France Don Carlos received only 15,000f. a-year and his house-rent. Who was to give him an increased allowance? Could he expect it from the English Government? Could a man who sanctioned the most horrid murders under the Durango Decree expect anything from the English Government? He conceived, that the British Government would act most unjustifiably if they made any provision for him. If Don Carlos had a claim upon any one, he conceived that it was upon his relations of the Bourbon family; and he certainly thought they would evince their liberality by making him an allowance in conformity with his dignity, always having due regard to his security. He (Sir C. Napier) would give his most decided opposition to the Motion of the noble Lord opposite.

Mr. *P. Borthwick* supported most cordially the Motion of his noble Friend. The question it involved was one not merely personal to the fortune of Don Carlos, but one which affected the interests of his children, and his children's children, as well as our own in all time to come: because it was a question of legitimate succession. He (Mr. Borthwick) denied that Don Carlos had ever given any engagement not to return to Spain, as the noble Lord, the late Foreign Secretary, had alleged; and he maintained, therefore, the distinct right of that illustrious Prince to leave this country and go back to his own, on the invitation of a portion of its people. In 1835, Don. Carlos joined General Zumalacarregui, who had but 200 men under his command, with not as many pounds to provide for them, and no horses; but nevertheless they defeated and disarmed an entire army of the Christinos. It was that great man who, when he was asked where were his arsenals, replied, pointing to the 30,000 enemies encamped before him, "There they are." And sure enough his troops were soon armed with muskets proved in the Tower of London, which had been supplied to the troops of the Queen of Spain. He had travelled in Spain on that occasion, and he maintained, that at all times, and in all places, the supporters of Don Carlos had expressed themselves to the effect, that if the moral influence of England was withdrawn from the side of the Queen of Spain, Don Carlos would be seated on the Throne in six months, notwithstanding the efforts of the Legion, and even of an army three times its numbers. He admitted that the Legion, from its original constitution, from the fact of its not being officered by English officers, and from its being hurried about at a disadvantage, was not, perhaps, of a character best qualified to sustain the credit of England or the English name; but even if it were, and even if it were trebled in numbers, he had no doubt in his own mind that it was the moral influence of England alone that decided the struggle against Don Carlos. All the hon. Gentlemen who had spoken on the other side had declared that the reason why Don Carlos was confined so closely, and treated with so much rigour, was to establish peace in Spain, and thereby to keep it intact in the rest of Europe. But had they succeeded in effecting that object—if such was their object in reality? No; peace had no residence in Spain. Even now there is not a village not at war with its neighbour or with the Government—and not a father of a family who could calculate for a single night upon the lives of those dearest to him being safe. If peace had any residence in the Peninsula, it was in those *chateaux en Espagne,* whose name was synonymous with self delusion; it had no reality. In the debate on the Address to the Crown in 1838—the first year of Her Majesty's accession to the Throne—he had called the attention of the House to the State of Spain; and he would be pardoned for adverting on this occasion to what he had then said. In that debate he told the noble Lord (Lord Palmerston) that the question was one—not as of Don Carlos, or of his Generals, because if they were all imprisoned in France, it would be the same in the issue—but of the people at large, and the principle of monarchical government; and, he added, that until that was satisfactorily settled, there would be as little tranquillity found in that country as before. The result had verified his predictions—amply verified them—for there was now as little peace there as there had been then. That most infamous convention had been concluded. He did not mean to cast reflections upon those engaged in it on the part of this country; but the papers on which it was based—papers laid before the House by the noble Lord—exposed to the view of Europe, and to the whole world at large, a mass of treason so black that the page of history was never blotted with its equal. These were the records of the convention of Bergara. He did not impute this treason to Lord J. Hay, but he did maintain that the British Government of that day had purchased the prospect of peace for Spain at a price which should not be paid for anything in the world, viz., good faith and honour. These principles, which should actuate all nations, were grossly violated by the convention of Bergara, and the result was peace less than ever. The Treaty of Bergara, however, and the present detention of Don Carlos, had been attempted to be justified by the Durango decree. It was asked what could be done after that decree? In his (Mr. Borthwick's) opinion, that decree was a decree of mercy. It was a decree of mercy to General Evans, and to every one of those unfortunate men who had been deluded by the hollow pretences of the Government then in power to take part in that unhappy struggle in Spain. The Durango decree however, was no invention of Don Carlos. It was no more and no less than the simple promulgation of a law fundamental not only to Spain, but to England, and to every other country; and it was the law in Spain and in England before Don Carlos was born. He (Mr. Borthwick) would put a parallel case. Suppose a foreign force had landed to support, he would say, the Orange lodges, accused by hon. Gentlemen on the other side of wishing to change the succession to the Throne of this country, and to place upon it a usurper; would any quarter be granted to them? Would they not be shot when taken? Would they be allowed the rights of war? Would it not be the duty of those in command to hang them on the first tree they met with? That was the law of Spain also. General Evans had stated repeatedly that the English in the service of Don Carlos were fighting against the forces of the Queen of England; but such was not the fact. The auxiliary British Legion was not in the service of the Queen of England; it was not officered by English officers holding Her Majesty's Commission, and it was not fighting under English colours. It was a force permitted to be raised by the suspension of the Foreign Enlistment Act—fighting for Spanish pay, which, unluckily for them, they never got—in a quarrel disgraceful to those who originated it, as well as to those who supported it, and under colours alien to those of England. To that Don Carlos gave notice that they were not entitled to the rights of war, as they neither fought under the banners of England, nor were in the service of the Queen of England, nor were even officered by English officers. He told them that they were unlicensed invaders of the Spanish soil, unwelcome intruders in a national quarrel, and that, therefore, by the law of the land, they should be punished with death. That was the notice—was it not a decree of mercy rather than cruelty? He had heard with much surprise from the gallant Officer who spoke before him, that numbers of Englishmen had been subjected to that decree. He knew of several who were treated as prisoners of war, notwithstanding that decree, but he had never heard of any who were brought under its operation. He was not there to palliate the dreadful system of reprisals which took place during that war, nor to justify the cruelty of Cabrera. But he would ask those who made the accusation of cruelty against Don Carlos, who began those horrors? Was not the very first victim to that fearful system General Santo Ladron—was he not shot—a prisoner of war, taken from his sick bed—in a ditch before the walls of Pampeluna? The immortal memory of Zumalacarregui had been attempted to be sullied by those who knew nothing of the history of that war, or of its consequences. Allowances being made for the national temperament of the people of Spain, a country in which life was considered with far less care than in England—a people among whom its loss was the least that they heeded, there was not a stain of cruelty or crime upon the unexampled career of that hero; for unexampled it was to dispel an army of 30,000 men with only an unprovided force of 200. Again, with respect to Cabrera's butcheries, as they were called. Look at the provocation, and then call them by that name if possible. He did not believe that there was a man in the House who, if his mother had been butchered, and his sisters treated in the manner Cabrera's were, would not have done as he did. What were the facts of that General's career? He was a student at law in the university. In that capacity he took part in a debate, the thesis of which was whether Don Carlos or Isabella had the best right to the throne; and in that debate he espoused the side of the former. He did not think this subject was the most prudently selected; but it was, after all, but a boyish debate. The consequences were, however, serious to Cabrera. He had to fly to save himself. His mother—a widow lady—who lived near the University, was applied to for information of his abode; but she did not know or would not tell it. On this she was taken out into the Plaza, being placed in the centre of a battalion formed on three sides of a square, she was shot by order, it was stated, of Nogueras, but certainly with the sanction of General Mina. That, to say nothing of the treatment of his sisters—of which every hon. Member in the House had heard—was sufficient to madden any man, and almost to justify any act of reprisals, and it was a gallant action of Cabrera when he signed the Elliott Convention to exclude himself and Nogueras from its operation. These cruelties began, it would be seen, on the side of the innocent Isabella, and, perhaps the noble Lord would say, the still more innocent Christina. But it was all to procure peace for Spain. Was there peace in Spain now? Were there no shootings, no wholesale slaughter? Where was Diego Leon, who won for Espartero laurels which Espartero could never have won for himself? What had become of him? Espartero wore on his brow the laurels of the Duke of Victory, but it was a well-known fact that he never met a Carlist force, from the time of Zumalacarregui to the days of Cabrera, without leaving it the victory. Diego Leon was shot in the public Plaza, and the Newspapers of that morning announce a number of executions of a similar nature, of recent date in Spain. He would read a specimen to the House.

"FOURTH MILITARY DISTRICT, CORPS OF OPERATIONS, GENERAL STAFF.

"Names of the Officers made prisoners in the action of Elda, and who have been shot this day;—

"'1. Brevet Lieutenant Colonel (Captain) Don Ildefonso Basalio, lately on half-pay.

"'2. Major Don Jose Mena, lately on half-pay.

"'3. Brevet Captain (Lieutenant) Don Luis Gil, lately on half-pay.

"'4. Brevet Major (Lieutenant) Don Pio Perez Villapadierna, from the Carabineros.

"'5. Brevet Lieutenant (Ensign) Don Juan Gomez Algarra, from the Carabineros.

"'6. Brevet Lieutenant (Ensign) Don Luis Molina, from the Carabineros.

"'7. Brevet Lieutenant (Ensign) Don Juan Gomez Algarra, from the Carabineros.

"'FRED. DE RONCALI.

"'Head-quarters of Villafranquesa, Feb. 14, 1844.

"We learn here to day (but not from any official source), that Boné has commenced reprisals in a spirit of emulation which threatens to outdo the efforts of Roncali and Narvaez, that he has caused fourteen of his prisoners (including Senor Ceruti, uncle of Roncali) to be shot in retaliation! Another report says, that the Archbishop of Seville (the Rev. Cienfugos Jovellanos) has been executed in revenge by the Insurgents at Carthagena!"

That was civilised, tranquillised Spain! as it was left by the noble Lord (Palmerston). For all purposes of peace and tranquillity, Spain was, in point of fact, blotted out of the map of Europe. And was it because human nature in that country was different from that in other countries? No; it was because institutions had been forced on the people which they did not understand, and a Monarch placed over them whom they did not acknowledge. He could shew, if it were necessary, that Don Carlos was the undoubted Sovereign of Spain by the fundamental constitution of the country; and that the Act which set the Salique law aside was passed by a Cortes called in the reign of Isabella. When the hon. and Gallant Officer stated that Don Carlos was absent from Spain without leave, he stated that which was not the fact. Don Carlos had leave to go to Portugal, and he obtained it from Ferdinand the VIIth., under circumstances which did him the greatest honour. These were the circumstances:—Maria Christina was naturally anxious that her daughter should inherit the Spanish Crown, and, through her intrigues, the question of female succession was mooted in the Privy Council. Don Carlos, as a Member of the Privy Council, said he would not be present when the question was agitated, and he asked permission to proceed to Portugal, which was readily granted, in order that he might not be guilty of the indelicacy of giving his advice in a matter which so nearly concerned his own interests. This was worthy of the character which had been given to Don Carlos by the noble Member for Newark, when he said that he was the exemplar of a Christian cavalier. Well, then, Don Carlos believing himself to be the legitimate heir to the Throne of Spain, being called to occupy that Throne by a large party of the people, and being supported by a vast majority of the people, acceded to that call; and if they disputed that majority, why, he asked, had they thought it necessary to send out so large a force to the assistance of his opponents? The noble Lord opposite had said, last year, that England had only interfered to prevent the Foreign Powers from forcing on the Spanish people institutions to which they were averse; and he agreed with the noble Lord that these were the obligations which rested upon England in this matter; but he maintained that those obligations had been violated; and that they had interfered to force upon the Spanish people an authority and institutions disagreeable to them; and now, forsooth, Don Carlos was to be kept a prisoner in France, because he would introduce into Spain another element of discord. Now, he would ask, was it possible to suppose any country more vexed by civil discord than Spain was at the present moment. If Don Carlos had returned to Spain and re-asserted his rights, could that country have been in a more frightful state of intestine commotion than at present? And as to the three exiles—Christina, Espartero, and Don Carlos—what right had they to make the difference which they did? The noble Lord had said that Espartero was *de jure* Regent of Spain, because he belonged to the *de facto* constitution of that country. But here was the Sovereign of Espartero, the *de jure* Sovereign of *de jure* Constitution of Spain, detained a prisoner in France, whilst Espartero was fêted at Windsor. Moreover, they had sent back Christina to agitate Spain—she who was the beginning, and the middle and the end of all the intrigues in which this civil discord had arisen. They might rest satisfied that nothing would tranquillise Spain but a system of government which would satisfy the Spanish people themselves. Any Monarch, to be popular, must be a Spanish Monarch. Isabella might be an English Monarch, a French Monarch, a Portuguese Monarch, or a Quadruple Alliance Monarch; but there was not a single man living on the soil of Spain who acknowledged that Queen with a hearty loyalty. But then, Spain must have liberal institutions. Why, she was the cradle of Liberalism in Europe; she showed them the way to Liberal Institutions. The Basque provinces, at the time of the war, had Representatives in Parliament, and every man twenty-five years of age had a vote; and they taxed themselves 50 per cent. on their incomes to support the cause of Don Carlos. Englishmen might dislike the Spanish Inquisition of olden times; the Spaniards might dislike the English Star Chamber; but was it because they disliked their Inquisition that they should prevent the Spanish nation from having the Monarch of their own choice. The right hon. Baronet who had answered the noble Member for Newark, had said that this was a question exclusively for France; and had quoted from the speech of the Foreign Minister of France a passage to the effect that Don Carlos was detained under a certain domestic law of France; he admitted that Don Carlos was treated as all refugees were under that law; that law specified the manner in which refugees were to be treated, whilst they were refugees, but it did not sanction their detention contrary to the Law of Nations: and the broad basis on which this Motion was founded was the Law of Nations. He, therefore, could not hesitate, whether he regarded the character of Don Carlos, his rights, or the interests of Spain—he could not hesitate to support the Motion of his noble Friend. He entertained no doubt that if Don Carlos returned to Spain, a large party would rally round him; and that that party instead of introducing those cruelties which had been alluded to, would be a powerful instrument in putting them down. They had been taunted with the idea that in a general scramble they might get something, but he should be ashamed of himself if, having received the greatest kindness from that illustrious Prince, when he was engaged in a contest not doubtful except for the intrigues of his opponents—he were now to shrink from defending him in his difficulties. But not the interests of Don Carlos—not the interests of Spain—but the interests of Europe depended materially on the adoption of the spirit of the present Motion. He trusted that the time would come when a broad and generous policy, formerly the policy of this country in regard to Foreign States, could be readopted; when friendship with France would no longer imply sympathy with any particular faction in France: when friendship in Spain would no longer imply the support of every succeeding faction which might arise in that country; when our sympathies with Spain would be Spanish and not factious sympathies; and here he could not help regretting the language M. Guizot had used on the famous Report on the Address, when he said, in alluding to the visit of our Queen to France, that that visit had stamped the approbation of her Government on the present policy of France. He trusted that England would have nothing to do with French policy or French revolutions; that she would love France as France, Spain as Spain, separate and distinct from the different factions which might arise in those countries; and if, even at the eleventh hour, England would withdraw that meddling policy which had caused so much evil, he believed that Spain, left to herself, would work out her own redemption—would soon stand on a higher and firmer basis, and lend her aid to advance the general civilization of Europe; and in the hope that England would do that, he gave his cordial support to the Motion.

Sir *H. Douglas*: However much I admire the generous feelings which have prompted my noble Friend, the Member for Newark, to bring forward this subject, I cannot give my support or vote in favour of a Motion which would urge or impose upon Her Majesty's Government the necessity of interfering with the French Government, in the course which they have adopted with respect to the detention of Don Carlos, in conformity, as it appears, with their own laws, and their own views of policy; but this I will say, that the object of the French Government in thus preventing Don Carlos from asserting, in person, his own rights, in any way he may think fit, far from producing the effect which the French Government appear to have in view, operates most powerfully the other way; for, whatever be the strength or the numbers of Don Carlos's adherents, their influence is vastly increased by the sympathy which is always superadded to the assertion of rights, by such acts of injustice as the adherents of Don Carlos consider his forcible detention in France to be. I rather regret this Motion too, because I disapprove of any interference whatever with Spanish affairs, prepared as I am to show, that the fearful state of anarchy which now prevails in Spain, has already been complicated and protracted by foreign interference, and that troubles in

Spain will never cease until the Spanish people, apart from all foreign interference, settle their affairs in their own way. Persons who view recent events in Spain, in the abstract, must consider them enigmatical, and inexplicable, but when traced to their source, and viewed in that unceasing series of disorders, which have occurred in connected succession, from what he (Sir H. Douglas) would show, was the original cause of all these troubles, we see in the present state of Spain, a phasis in that unsettled orbit which all nations are doomed to take, in the frightful course of revolutionary movement, when once thrown into that course, by such violent errors and proceedings as those which have been committed throughout, by the Reformers and Demagogues of Spain, and by such mischievous interferences as those which have complicated and protracted that anarchy. The original error was, unquestionably, the Democratic constitution of 1812, framed at Cadiz, by persons who were not constitutionally authorised or competent to do this, and at the time that city was besieged by the French, and very nearly the whole of Spain occupied by the armies of that country—a constitution which virtually deposed the King, violated all the objects which produced the memorable insurrection of the Spanish people against foreign intervention and innovation in 1808—a constitution which plundered the Church, disgusted the Nobility, and was execrated at the time by the great mass of the Spanish people. The foreign interferences to which I would allude, as having complicated and protracted that anarchy, which had its origin in that most ill-advised constitution (very similar to the French Constitution of 1791, and not dissimilar in its tremendous effects), those interferences to which I allude, are, first, the intervention of France in 1823, and then the far more mischievous interferences of the noble Lord, the Member for Tiverton, between April, 1834, and the termination of the Administration to which that noble Lord belonged. When Ferdinand VII. was restored to his country, by the successful termination of the Peninsular War, in 1814, finding all ranks, classes and conditions of people, dissatisfied and disgusted with the Constitution of 1812, he refused to acknowledge the competency of that act, and to swear to it accordingly. It remained a dead letter till 1820, when the first military pronunciemento of which there have since been about thirty, took place by the mutiny or defection of the Spanish army, then assembled at Cadiz for embarkation to America, to endeavour to re-conquer the allegiance of the Spanish colonies. This example was speedily followed in other parts of Spain, and so it was in other parts of Europe, and Ferdinand was forced, by the Army, to swear to the Constitution of 1812. The people, whose objects were against such sweeping innovation, took fire, as they had done in 1808, and in 1812. Their determination was to maintain their monarchy, their religion, and their ancient local laws and privileges, most particularly their municipal institutions. Civil war ensued between the bulk of the Spanish people and the army: it raged till 1823, when Louis XVIII. determined to send a French army into Spain, to restore order, and to put down military despotism. The Government of Great Britain used every endeavour to deter Louis XVIII. from this intervention; but not succeeding, there arose a very prevailing feeling in this country, to send a British army to the Peninsula to assist the people in driving the French out as before. On that occasion he (Sir H. Douglas) hazarded a prediction, that the French army, whose officers and soldiers had been massacred by thousands, when found straggling from their own columns, would make a march of triumph over the whole of Spain, without being scathed or touched; and, if right in that prediction, he could not be wrong in venturing another, that "if we did send a British army to Spain, to oppose the French, we should be the party opposed and massacred by the Spanish people. This, at first, appeared enigmatical; but the prediction as to the reception of the French army, proved correct. He (Sir H. Douglas) endeavoured, at the time, to account for this. Had it not been for French intervention, the parties then conflicting in Spain, the serviles and liberales would have worked out the issue to some settlement, and there can be no doubt that some compromise would have been made, which would have produced a constitutional system, by which rational freedom, the rights of the Church, the privileges of the Aristocracy, the municipal establishments, and the just prerogatives of the Crown, would have been duly conciliated. The French army remained in Spain for several years, during which perfect tranquillity prevailed. In December 1829, Ferdinand married Christina of Naples, his fourth wife. Isabella was born on the 10th of

October, 1830. The French Revolution stirred up the embers of disorder and Revolution in Spain, as well as elsewhere, and troubles recommenced. Ferdinand having no son, and being in declining health, began in 1832, to entertain intentions, or at least to yield to solicitations, to alter the Law of Succession in favour of his daughter Isabella, to the exclusion of his brothers, the heirs male of Charles IV., failing from Ferdinand, and accordingly promulgated, in September, 1832, a declaration that he had thought proper to abrogate the Law which settled the Succession in the male line, in conformity with an alleged petition, or memorial of the Cortes of 1789, which document, if authentic and competent, had remained an entire secret till this time. Queen Christina's sister, Donna Carlotta, the wife of Don Francisco Paulo, Ferdinand's brother, prevailed upon him to revoke this declaration. But poor weak Ferdinand, on the instigation of Christina, again revoked the revocation, and died on the 29th September 1833. Now here commenced the disputed succession, which led to the Carlist War. That question is not settled; it is only suspended by foreign intervention, and has yet to be determined by the Spanish people. He (Sir H. Douglas) had looked as fully as he could into all the arguments and merits of this question. He may have formed his own opinion upon it, but no opinion is, or can be, of any avail, none can be decisive, but the free will of the Spanish people. On the one hand, we have the last will of Charles II., (for there were several other wills) which led to the War of Succession, the great object of which was, the independence of the Spanish Monarchy by the settlement of the succession in the heirs male of Philip V., according to the act known as *l'auto accordato*, of May, 1713, a Decree settled with every solemnity, formality, and competency. For this all the privileged cities, towns, and communities of Spain, were called upon to nominate, and send to Madrid Delegates duly authorized to take into consideration, and decide that most important question, it was settled in favour of Philip V. and his heirs male, and inscribed accordingly in the Code of Law. If the memorial of the Cortes of 1789 had any existence at all, which is very much doubted, it was at best nothing more than an intention, entertained by Charles IV., Ferdinand's father, at the time he, Ferdinand, was a sickly infant, to make an alteration in the Law of Succession in favour of his, Ferdinand's, sister, La Carlotta, in the event of the decease of Ferdinand, then Prince of the Asturias, and of which there then appeared the greatest probability. But Ferdinand survived; and this memorial, if real, which I repeat, is very much doubted, remained but the annotation of an intention which was now made known, of the completion of which, no record is to be found, and the declared object of doing which was annulled by Ferdinand surviving. The Constitution of 1812 takes no notice of it; but, on the contrary, affirms and decrees the succession to be in the heirs male of Philip V.; and yet Zea Bermudez, in his memorial, dated Berlin, February, 1839, calls Ferdinand's death the extinction of the masculine race, although his brothers were then living! It does appear to me, that the claims of these competitors to the Throne being thus fairly before their country, they should have been left to the assertion of their own rights, and the Spanish people, to determine which competitor should wear the Crown or by what compact or compromise to settle it. He (Sir H. Douglas) did think that the greatest mistake the noble Lord had ever made was to throw the judgment of England into the scale, by advising the recognition of Isabella. There is no doubt that the independence of the Spanish Monarchy is of vast importance to the tranquillity of Europe, but the way to provide for that great object, was to refrain from any intervention, which would practically destroy that independence, nor did he (Sir H. Douglas) think that, in the present circumstances of Spain, the independence of the Spanish Monarchy is less provided for by the abrogation of the law of Philip V.; but the noble Lord thought otherwise. The Foreign Enlistment Bill was repealed, and the Quadruple Treaty concluded. One would have thought that England and France, as parties to this compact, should have contracted equal obligations for the common object. But, no; France engaged only to prevent succours of men, arms, or munitions of war, from being carried into Spain; whilst Great Britain engaged, not only to do this, but, moreover, to furnish any succours and munitions of war, which the Queen Regent *pourra reclamer*, and to assist her with a naval and marine force, if she should deem it necessary. And what has not this cost? Thus commenced the Carlist War; continued till 1838, when the contest was suspended by the Convention of Bergara, brought about by the intervention of England, by moral, political, and physical force, but which contest has only been adjourned, as we shall see. A series of the most frightful and complicated disorders now ensued, in lieu of the noble Lord's expectations and assumptions that he had settled the affairs of Spain. Sir, in the course of this sad history may be numbered three constitutions, and about thirty military insurrections; forming altogether a chaos of anarchy, endangering the very existence of Monarchy in Spain, and which has not yet run its terrible and ever-destined course. In May, 1834, the Constitution called L'Estatuto Reale, or Royal Statute, drawn up by Martinez de la Rosas, was disclosed. It consisted of two Estamentos, or Estates, the Proceres, or Peers, and Procuradores, or Deputies. It was some improvement upon the Constitution of 1812, but still a code full of imperfections, the greatest of which was, and that proved fatal to it, the extraordinary melange, in the composition of the Proceres, which was not a Chamber of Peers, but formed of Ministers, Ambassadors, Generals, Judges, landed proprietors, merchants, and manufacturers; and which, by Article 31, reserved entirely to the Sovereign, the initiative in the enactment of laws. This Constitution had but a short existence. The troops under Lieutenant Cordero, pronounced against it in 1835; the Captain General Carvalala was murdered, and the Constitution of 1812 again proclaimed. Then came the pronunciemento against Torenos' Administration, by the troops, which had been sent to quell some disorders, joining the insurgents. This insurrection was appeased by the retirement of Torenos, and Mendizabel's Administration succeeded. The new Cortes was opened by Queen Christina, who, instead of assembling the legislative body in the Upper House was compelled to deliver her speech in the Chamber of Procuradores, or Deputies, decreed thenceforward to enjoy that superiority and privilege. Now came a sweeping plunder, robbery, and persecution of the Church. All Prebendaries, Canonries, and other Ecclesiastical bodies, not connected with the cure of souls, were abolished, and their revenues confiscated to the State. It passed a Decree authorizing the immediate sale of all Church, Monastic, or other property, that might fall into the hands of the State, the tythes had long previously been abolished. Mendizabel's Administration was overthrown in May, 1836, by French intrigue; and Isturitz, a respectable Cadiz merchant, thought to be in the interest of France, succeeded. Then came the well known pronunciemento of La Granja, headed by a Serjeant Garcia, who forced his way into the Queen Regent's apartments, and obliged her to swear to the Constitution of 1812. Then the disorders in Madrid, and the murder of the Captain General Quesada. In August, 1836, Calatrava's Administration succeeded, and we have another Constitution, in 1839, which still more disgusted all those classes, orders, communities, and interests, that ought to have been conciliated. The upper Branch, decreed by that code, is not a Chamber of Peers; it is an elective Chamber, amounting in number to three-fifths the number of Deputies, chosen by the Sovereign, it is true, but the selection is made from a list of persons elected by the electors of the Deputies, one-third of the Senate going out by rotation annually. This is merely transforming into a branch of the legislature the democratic conformation of the Constitution of 1812, of the Consejo D'Estato. A power of Convocation is indeed given to the Sovereign, but this is so far nugatory, that the Cortes, if not convoked, meets on the 1st of December, of every year; but it cannot deliberate unless a majority of Members be present. The Constitution of 1837 is, at this moment, in a state of infraction, in an organic Article (56) which decrees the Royal minority to extend to the completion of fourteen years of age, which has not yet been abrogated by competent authority, but only set aside by an arbitrary act. Then we come to the general rising against the law of the Ayuntamientos, by which Queen Christina intended greatly to circumscribe, if not to abolish all municipal rights, and to centralize them in Madrid, by which, together with her private conduct, she lost entirely the confidence of the Spanish people. Christina applied to General Espartero, for military aid, to put down the insurrection of September, 1840, against the promulgation of the law vesting in the Crown the nomination of alcaldes, and other municipal officers. He declined to do this, upon which Queen Christina abdicated the Regency; and Espartero became sole Regent. Sir, the attachment of the Spanish people to their Municipal privileges has ever been the main spring of their action throughout their history, from the earliest periods of the Spanish Monarchy. Those Institutions formed the foundation and the bulwark of civil liberty, of which there was an earlier promise in Spain, than in any other country. It was the attachment of Spanish people to their Provincial and Municipal privileges, the full enjoyment of which the villages and rural districts of Spain retained, pretty nearly, according to the old principle of popular election, though very much circumscribed in the great cities and towns, it was the attachment of the Spanish people to these institutions, and their devotion to their religion, that produced the memorable Insurrection of 1808; and it is a remarkable circumstance that a main cause of the combined attachment of the Spanish people to Ferdinand VII, was, that he, by a special decree, admitted a certain number of members to the Ayuntamientos or Municipal Councils, by free election to restore to them that popular freedom of which they had been deprived in former reigns. Now appears prominently on the stage, Don Ramon Narvaez. He was first in the Infantry of the Guards, served with great distinction under Espartero in the Carlist war, particularly at Ostabane in 1836: he was then sent in pursuit of the Carlist General, Gomez, who, after having made a military promenade all over Spain, was routed by Narvaez at Villazobledo. Espartero then became jealous of Narvaez; they quarrelled, and Narvaez was placed on half-pay, and retired to Osuna. In 1838 he joined with Cordova in a conspiracy to overthrow the administration, which having failed, Narvaez fled first to Gibraltar, and then by England to France. Concha, another leader in these military pronunciementos, was one of the officers most favoured by Espartero; but having taken no part in the events of 1840, to force Queen Christina to abdicate, he and O'Donnell were placed in retraite; and were prevailed upon by Don Diego Leon, to join in the conspiracy of October, 1841, the one to attack the Palace, to carry off the young Queen, the other to raise the Basque Provinces to revolt. Roncali, another actor in the present scene, fell into disgrace with Espartero, for having defended Don Diego before the court-martial, by which he was tried and condemned. Roncali is supposed to be a natural son of Conde D'Espana, and of Carlist principles, though he always remained faithful, whilst serving in the Guards. He (Sir H. Douglas) might show in another detail the complications and conflictions of rival parties and persons; but, perhaps he had said enough to support his opinion and advice. After some other minor pronunciementos, and many disorders—after many other pronunciementos and disorders, came the late insurrection of 1843 against Espartero and the formation of the Lopez administration. The dread of the arbitrary decree for remodelling the Law of the Ayuntamientos, was at the bottom of all this. The troops in Valencia having pronounced against the Regent, he determined to proceed, in person, with a large force, to suppress that defection. As soon as Narvaez heard of this insurrection, he left Paris, where he had been in close consultation with Queen Christina, and was conveyed in a French steamer to Valencia, where he placed himself at the head of the insurrectionary troops. Espartero left Madrid with a large and select force. Admitting fully the bravery of the late Regent of Spain, evinced in the Carlist war, and for which by the noble Lord's recommendation, he had been invested with the Order of the Bath, it did not now appear that the political and military talents of that person were equal to what was required of him at this most critical period. The corps d'armé which he commanded, made a rapid march to Albaceyte; but there came to a halt, apparently irresolute and paralyzed. It remained there for a considerable time, whilst defection was spreading around; neither prosecuting the movement on Valencia, nor returning to Madrid, which he ought not to have quitted, and where the presence of the Regent was most essentially requisite. This corps then threw itself, by a cross country path into the great southern road, and there waiting again for some time, retired without striking a blow, to Baylen and then to Andujar, and thus gave up the contest. This lost the Regent the confidence of the Spanish armies, and led immediately to his downfall, and to the anarchy which necessarily ensued—a minor Queen, deprived of the presence and authority of the sole Regent of her Kingdom with no other means of providing for the royal authority than the alternative of either forming another Regency, whilst that which had been decreed, still existed; or to get rid of that difficulty, by declaring the Queen of age, in direct violation of an Organic Article of the Constitution of 1837. Here we may form some conception, of the anarchy that now reigns through Spain. Liberales, and Serviles; Constitutionalists of three parties; Carlists, Christino's, Isabellists, Monarchists, Republicans, Democrats, Progresistas, Independentes, Affrancesados, Inglesses, Fuerists, Centralists, and then the ambition of rival chiefs. The young Queen, a minor, and, as it may be feared, under all these terrible circumstances, Monarchy at the last gasp. These are the sad and fearful fruits of the noble Lord's policy, and however painful it may be for Her Majesty's Government, to stand by, and see the anarchy which may yet ensue, in that unfortunate country, he (Sir H. Douglas) implored Ministers to meddle not with it. The Spaniards are a fine and a noble people, attached to their country, their monarchy their ancient institutions, their national faith, and above all, abhorrent of foreign intervention. Let us always remember the noble insurrection of that people in 1808, when the upper classes had submitted, and Napoleon had, by a series of the most flagitious acts insinuated his army into every fortress and chief city in Spain. Let us never forget that it was that memorable insurrection, which, supported by Great Britain, afforded her a fair and noble field, upon which she fought for, and to her own renown, achieved the emancipation of the world, from the tyranny of Napoleon. Let us be persuaded that if left to themselves, the Spanish people will, in the end, prove their attachment to their Monarchy their Church and their Law, by bringing this contest to a conclusion, which will conciliate the just rights and prerogatives of all interests and classes, without reverting to those abuses and imperfections which, most certainly, no one can wish to see re-established; and that out of the present disorder, a system will be instituted best suited to the peculiar circumstances, habits, principles, and wants of the Spanish people, although it may not be such as those who have long been accustomed to the enjoyment of free institutions would altogether approve.

Mr. *Trelawny* said, the party of Young England had shown a great deal of misplaced sympathy for Don Carlos. He wished they would show a little more for the people of Ireland and of this country. The hon. Member for Evesham said he had been in Spain. From the tenor of his speech it might be imagined that Christina had taken Young England captive.

Mr. *Borthwick* wished to explain to the hon. Gentleman who had just sat down that though he (Mr. Borthwick) had been in Spain during a portion of the war having gone there expressly to ascertain what were the real facts of the cruelties reported—yet he never had the misfortune of being captured by the Christinos, and, therefore, had never an opportunity of experiencing their liberality. A certain school, designated "Young England," had obtained some notoriety, but there was another school of youths—the young Bœotians—who were very talkative in that House.

Mr. *Monckton Milnes* wished to make a few observations on this important foreign question. He should explain in a few words the grounds on which he should vote. After the speech of the hon. Member for Bridport, if anything could have induced him to vote for the Government, it would have been that speech. The accusation against the King of the French was that he had not been faithful to the Quadruple Alliance, but had permitted arms for Spain to pass through France, and had shown favour to Don Carlos. He thought the detention of Don Carlos rather meritorious than otherwise. He did not think that his liberation would make things worse. The marriage of the Prince of Asturias with the Queen of that country was the only thing that could quiet Spain. So far as he could see into the matter, which he owned in truth was very little, after what had taken place it was the duty of the Powers of Europe to ally themselves together for the pacification of that country. He believed that would be best done by the marriage of the son of Don Carlos with the present Queen of Spain. He should vote with his noble Friend.

Mr. *M. Gore* thought, that all the practicable purposes of the Motion would be sufficiently served, and the cause of humanity vindicated, by the expression of sentiments which the question had evoked, without pressing for a division. The influence of those sentiments would not be confined within the walls of that House—they would be felt in every part of Europe, and he had no doubt the voice of Europe would be in unison with the feelings of the English Parliament. He thought, with all deference to hon. Gentlemen who had taken another course, that it would be better for the sake of Spain, and the interests of the world at large, if, instead of indulging in a course of conduct calculated to exasperate party animosity, we did all we could to consider Spain as one cemented, one united country. He hoped she would soon take that post which she ought to occupy among the community of European States. Having vindicated the general conduct of Don Carlos the hon. Member said he was sure that a British House of Commons, which was ever ready to sympathise with and admire triumphant virtue, would not withhold its sympathy and admiration from Don Carlos because he was stricken by misfortune. Looking at the subject in a practical point of view, and considering the expression of sympathy which had fallen from the head of Her Majesty's Government, he thought Don Carlos's case could not be in a better situation, and hoped the noble Lord would withdraw his Motion, which was calculated to cause great inconvenience.

Lord *J. Manners*, in replying, said it had been asserted that this was purely a French question, but in his opinion, the whole course of events proved that England was implicated in the transactions in Spain. He had heard nothing in the course of the debate to alter the conviction he had always entertained that Don Carlos was the popular candidate for the Spanish Throne. The noble Lord opposite (Lord Palmerston) said the present Queen was decidedly popular in Spain, but he must give his positive denial to that assertion. If the Queen were a decidedly popular candidate he would ask the House where was the necessity for all the outrages and underhand interference of which they had heard? He contended that it was foreign interference, and foreign interference alone, which finally put down the Carlist cause in Spain. His own personal feeling on this subject would lead him to divide the House, even if he knew that there were only two for the Motion; but, after what had fallen from the hon. Gentleman that preceded him, and the opinions that had been expressed by other Members, he should not feel justified in dividing the House on the Motion. Having thanked the House for the attention they had given the subject, his Lordship concluded by expressing his conviction, that, before long, justice would be done towards Don Carlos.

Motion negatived.

DUBLIN PROTESTANT OPERATIVE ASSOCIATION.] Captain *Bernal* rose to move

"For the Copy of an Address presented to the Lord Lieutenant of Ireland from the Dublin Protestant Operative Association and Reformation Society, dated the 14th day of October, 1843; together with the official reply of the Lord Lieutenant, dated, "Vice-regal Lodge, Oct. 16, 1843."

In proposing this Motion, he could not help drawing the attention of Gentlemen upon both sides of the House to what he thought was a most objectionable practice. He alluded to the practice of the First Minister of the Crown reading letters to that House which he had addressed to himself; for he (Captain Bernal) contended that to read letters which he had written to the Lord Lieutenant of Ireland was, in point of fact, to read letters which he had addressed to himself. It put him (Captain Bernal) very much in mind of schoolboys writing love-letters to themselves, and by posting them trying to persuade their schoolfellows that they came from their sweethearts. At that late hour he would not trouble the House with any further observations, as their time had been sufficiently taken up by hon. Gentlemen who went down to that House at seven o'clock, consumed the whole of the evening, and then were afraid to go to a division.

Lord *Eliot* would not, for a moment object to the production of the Papers moved for by the hon. and gallant Member, if he thought their production would serve any useful purpose. But as he thought it would be highly inexpedient to give importance to such documents by placing them amongst the records of that House he must object to the Motion. There was no secrecy about the matter; the correspondence had appeared in all the newspapers, and the only objection he had was, that it would give an importance to the matter it did not deserve. The hon. and gallant Member must have been aware that the address was intended to express approbation of the political conduct of the Lord Lieutenant, whilst their opinions upon religious topics appeared to have crept into it quite inadvertently. He was sure the production of the Papers would only serve to perpetuate animosities, and to resuscitate matters that had better be buried in oblivion.

Captain *Bernal* expressed his determination of going to a division. It was not he who gave any importance to this matter, but the Lord Lieutenant, who received the address, and returned his warm acknowledgment for it.

Mr. *Duncombe* was of opinion that the Papers should be produced, in case any hon. Member should wish to found a Motion upon it. The noble Lord said, if it were laid upon the Table of the House it would only serve to perpetuate animosities. What was that but an admission that the Lord Lieutenant of Ireland had made an answer to an address which was calculated to perpetuate animosities? He looked upon it as an additional reason why the Papers should be produced. No doubt the Ministry had power to do what they pleased, but they could not satisfy the country. He thought his hon. and gallant Friend was justified in pressing his Motion to a division.

The House divided.—Ayes 54; Noes 105: Majority 51.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Blake, M. J.
Blewitt, R. J.
Bowes, J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Christie, W. D.
Colebrooke, Sir T. E.
Collett, J.
Duff, J.
Duncan, G.
Duncannon, Visct.
Easthope, Sir J.
Ellis, W.
Evans, W.
Ewart, W.
Forster, M.
Gibson, T. M.
Gill, T.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Hindley, C.
Hutt, W.
Leveson, Lord
Marshall, W.
Morris, D.
Murray, A.
Napier, Sir C.
Palmerston, Visct.
Pechell, Capt.
Plumridge, Capt.
Scott, R.
Stansfield, W. R. C.
Stuart, Lord J.
Stock, Mr. Serjt.
Strickland, Sir G.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Wakley, T.
Wallace, R.
Warburton, H.
Wawn, J. T.
Worsley, Lord
Wyse, T.
Yorke, H. R.

TELLERS.
Bernal, Capt.
Duncombe, T.

List of the Noes.

Acland, T. D.
Adare, Visct.
Ainsworth, P.
Antrobus, E.
Baillie, Col.
Bankes, G.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Charteris, hon. F.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Collett, W. R.
Colville, C. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Davies, D. A. S.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir C. E.
Duncombe, hon. A.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Hamilton, W. J.
Hardinge, rt. hon. Sir H.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, A.
Hope, G. W.
Hughes, W. B.
James, Sir W. C.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
March, Earl of
Masterman, J.
Meynell, hon. Capt.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Round, J.
Rous, hon. Capt.
Scott, hon. F.
Sibthorp, Col.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vane, Lord H.
Wood, Col.
Wood, Col. T.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle, A.

Horseracing and Penalties — Qui Tam Actions.] The Order of the Day for the third reading of the Horseracing Bill having been moved,

Mr. *Christie* rose to move that the Bill be read a third time that day six months. Notwithstanding the alterations which had been made in the Bill, it was still most objectionable. It was an *ex post facto* interference of the Legislature in favour of certain rich individuals who had violated a law, upon the interpretation of which there was no doubt among the Judges. In fact, there had been a series of decisions, bringing horseracing and betting on horseracing within the operation of the Statute. The plea of ignorance of the law on the part of those who had violated it was given up; and with regard to the vexatious motives which had been attributed to those who had brought the actions which had called forth this Bill, that charge was equally unworthy of attention. As to the unreasonableness of the penalties sought under the Statute, that was an objection which would apply equally to the penalties recovered in a *qui tam* action from Mr. Bond for winning money at *rouge et noir*. If Parliament wished to act justly and impartially, they ought to indemnify Mr. Bond for the penalties exacted from him three years ago, as well as to indemnify the parties for whose benefit this Measure was intended. There was another case of great public importance, in which it appeared to him every reason was presented for a special interference of the Legislature that could be urged in favour of these proceedings. He would anticipate the cry of "Question" from the other side of the House, by saying at once that he was going to allude to a subject which was unpalatable to hon. Gentlemen opposite, but for the *bonâ fide* purpose of illustrating the present question: he meant certain criminal proceedings which had been lately instituted in the Arches Court of Canterbury against certain Dissenters of the City of Norwich, not for refusing to pay a Church-rate agreed upon in vestry, but for refusing in vestry to vote for a Church-rate. That was a proceeding entirely without precedent; it was the first attempt to use the criminal jurisdiction of the Ecclesiastical Court for such a purpose. In the parish of St. George Cole, in Norwich, the majority of the inhabitants were Dissenters, but they had, year after year, come forward to raise, by voluntary subscription, half of the money necessary for the repair of the Church, if the Churchmen would raise the other half. They, the Dissenters, had actually raised the subscription, and paid the money into the hands of the Churchwarden, but the Churchmen refused to do their part, and the Churchwarden was compelled to return the money to the Dissenters. Well, in 1842 the Archdeacon of Norwich determined to have a rate, and to proceed against the Dissenters of the parish who would not agree to the Church-rate, and he called upon the Church-party to raise a subscription to defray the legal expenses. ["Question."] He knew he should be interrupted by that cry, but he contended that the case of the Norwich Dissenters was a much stronger case for legislative interference than that of the betters on horse-races. If the House would legislate in behalf of certain noble Lords and hon. Gentlemen who had implicated themselves in losses by gaming and violating the law, they must legislate for these persons. If this Bill were passed, as no doubt it would be, he should take on himself to bring in a Bill to discontinue the proceedings against the Norwich Dissenters in the Ecclesiastical Courts.

Mr. *B. Escott* thought this Bill defective, because it allowed persons making bets and losing to run away without paying them. In his opinion, the only satisfactory foundation on which to leave the question would be to declare that all bets should be illegal so far as this, that they should not be recoverable at law. They should be a mere debt of honour, nothing else; but, at the same time, all penalties for betting should be done away with entirely.

Mr. *Hawes* admitted, that the penalties sought to be enforced in this case were unreasonable, and that they had been incurred in ignorance of the law; but if this Bill passed, all parties who found themselves oppressed under similar circumstances by heavy penalties, at the suit of common informers, would have an equal claim to relief. He thought the case of the Norwich Dissenters a parallel one, because they had been involved in expensive litigation, not in consequence of factious opposition to Church-rates, but in consequence of a law very obscure in itself, which was altogether unknown until declared by Chief Justice Tindal. The House was now establishing a very serious precedent, and they could not afterwards refuse relief to other parties who had not the same influence as those Gentlemen whom he saw opposite, for whose benefit this Bill was intended, and who, he hoped, would not vote on the present occasion.

Lord *G. Bentinck*.—I never have voted for the Bill.

Sir *John Easthope* said, he felt it necessary to explain the vote that he must give in favour of this Motion, and more especially in consequence of the observations of his hon. Friends, the Member for Weymouth, and the Member for Lambeth. His hon. Friend, the Member for Weymouth, stated that injustice would be done to Mr. Bond, and that injustice might be done to the Dissenters of Norwich. Surely it was no ground, that injustice should be done to strong parties, because it had been done or might be done to weaker parties? He was most anxious, if injustice had been done to a weak party, that the law which inflicted it should be amended; and he was doubly anxious that injustice should not be done to the Dissenters of Norwich, and he should be most ready to co-operate with his hon. Friends in any measure that they might bring forward, in order amply to do justice to those parties; but he must submit to his hon. Friends, that refusing to do justice to these influential and powerful individuals, and making them the victims of common informers, was not likely to advance the claims to just treatment on the part of those who might be weaker and less influential. With these feelings he could not do otherwise than give a cordial support to the present measure.

Mr. *M. Gibson* said, after the alterations which had been made in the Bill, he could not support the Amendment moved by his hon. Friend.

Colonel *Peel* begged to state, in explanation of what had fallen from him on a former occasion, that although in November last he had received a letter from the attorney intimating that he had been directed to commence proceedings against him, the writ had not been served upon him, and he was unaware till he saw by the return made to the order of that House, that proceedings had been commenced against him.

The House divided on the question, that the word "now" stand part of the question. Ayes 87; Noes 21;—Majority 66.

List of the AYES.

Ainsworth, P.
Antrobus, E.
Baillie, Col.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Byng, right hon. G. S.
Clayton, R. R.
Clerk, Sir G.
Colborne, hn.W.N.R.
Collett, W. R.
Copeland, Ald.
Corry, right hon. H.
Cripps, W.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir C. E.
Duff, J.
Duncannon, Vist.
Duncombe, T.
Duncombe, hon. A.
Easthope, Sir J.
Eliot, Lord
Evans, W.
Farnham, E. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Forster, M.
Fremantle, Sir T.
Fuller, A. E.
Gaskell J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Hamilton, W. J.
Hardinge, rt.hn. Sir H.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hughes, W. B.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull, rt.hn. Sir E
Knight, H. G.
Leveson, Lord
Lincoln, Earl of
Lockhart. W.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
M'Neill, D.
March, Earl of
Masterman, J.
Milnes, R. M.
Morgan, O.
Morris, D.
Mundy, E. M.
Murray, A.
Neville, R.
Nicholl, right hon. J.
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Pringle, A.
Rashleigh, W.
Round, J.
Rous, hon. Capt.
Scott, hon. F.
Smith, rt. hon. T.B.C.
Stanley, Lord
Sutton, hon. H. M.
Trollope, Sir J.
Tufnell, H.
Tyrell, Sir J. T.
Vane, Lord H.
Wakley, T.
Yorke, hon. E. T.
Young, J.

TELLERS.

Palmerston, Visct.
Hutt, W.

List of the NOES.

Aglionby, H. A.
Blewitt, R. J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Busfeild, W.
Colvile, C. R.
Duncan, G.
Ellis, W.
Ewart, W.
Hatton, Capt. V.
Marshall, W.
Pechell, Capt.
Plumridge, Capt.
Scott, R.
Stansfield, W. R. C.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Wawn, J. T.

TELLERS.

Christie, W. D.
Hawes, B.

Bill read a third time and passed.
House adjourned to Thursday.

HOUSE OF LORDS,

Thursday, February 29, 1844.

MINUTES.] BILLS. *Public.—Returned from Commons.*—Gaming Actions Discontinuance.

PETITIONS PRESENTED. From Horncastle, and 15 places, for Protection to Agricultural Interest.

HOUSE OF COMMONS,

Thursday, February 29, 1844.

MINUTES.] BILLS. *Public.*—1°. Prisons (Scotland); Commons Inclosure.

Private.—1°. Northern Coal Mining; Wildmore Fen Highways; Beccles Navigation; Preston and Wyre Dock; South Devon Railway; Manchester and Birmingham (Macclesfield and Poynton Branches) Railway; Bolton and Preston Railway; Edinburgh and Glasgow Railway; Leeds and Bradford Railway.

Reported.—Sang's Naturalization.

PETITIONS PRESENTED. From St. Paul's, Deptford, complaining of Exemption of the Dockyard from Local Rates.—From John Heathcote, complaining of Dismissal.—From Batley, and Soothill, against Factories Bill.—From Patrick O'Malley, respecting the Usury Laws.—From Bramston, and 24 places, against Alteration in the Corn Laws.—From Merchants, regarding Goods-conveyance by Railways.—From Bristol (21 Petitions), for Reduction of Duty on Tobacco.—From Brecon, respecting the College Chapel.—From Llifon, and Amlwch, against Union of Sees of St. Asaph and Bangor. — From Renfrew, Ayr, and Lanark, for Protection of Game.—From W. Kinnersley, against Church Rates. — From Glasgow, respecting Postage on Printed Works. — From Cork, for Equalizing Municipal Reform.—From Cork, for Amendment of Municipal Boundary Act. — From Weem, for Better Pay to Schoolmasters (Scotland).

General Espartero.] Sir *H. Douglas* said, that he wished to explain what he had said as to General Espartero, as, from a paragraph in a newspaper which had caught his eye, he was represented as accusing him of want of personal courage. The courage of that officer was as unquestioned as it was unquestionable. His (Sir H. Douglas's) observations were confined to the operations of the *corps d'armée*, which he had thought disgraceful, and he thought so still. He took the earliest opportunity of offering this explanation with respect to an illustrious individual, absent and in adversity.

Buildings of the Metropolis.] The Earl of *Lincoln* rose to bring in a Bill, the substance of which he would convey to the House in a very few sentences. His observations should be, not in vindication of the Measure, but in explanation of its enactments. He was relieved from the necessity of saying more from what had passed in the House in legislating upon a similar subject. The voluminous reports made to the House as to the population of large towns must be so fresh in the recollection of the House, and the facts produced so strong an effect upon the minds of Members, that it would be useless to recapitulate the statements in the reports, or to make extracts from them. In the report of a Committee which sat in 1840, and over which the Member for Shrewsbury presided, the Committee stated, that with a view to remedial Measures, they considered that an Act should be passed for the regulation of Public Buildings in the Metropolis. It further stated, that such an Act not only for the metropolis, but for other large towns, would be of essential but primary importance. The first Bill upon the subject was introduced by a noble Lord, then the Secretary for the Home Department, in 1841. It was brought down from the Lords to that House, but from the dissolution of Parliament happening immediately after, it made no progress. In 1842, the Bill was again brought into the House of Lords, and thence to that House, but before it was carried by the consent of all parties —not only with the consent of the Secretary for the Home Department, but with that of the Member for Perth,—it was found so deficient in its provisions, that by the consent of all parties it was sent to the Committee then sitting up stairs. That Committee eventually reported the evidence which it had collected without giving an opinion thereon. At the close of the session, by the desire of his right hon. Friend the Secretary for the Home Department, he had undertaken to examine the subject, and to introduce a Measure. For that purpose he had consulted architects and surveyors of eminence, but looking to the complication of details, the number of towns that would be affected by such a Measure, and the fact that some of those towns, such as Liverpool, had Local Acts of their own, he thought that any general Measure would be inapplicable to different places. With these views he had brought in a Bill during last Session for regulating the buildings of the metropolis alone; but from the important Measures before the House, the Session became so far advanced, that it became impossible to proceed with the Bill. He ought to state that he did not regret that event, as it gave him fresh opportunities for introducing important improvements not only in the details but also in the form, and bringing it forward in a shape more likely to be useful than last year. He would now state the provisions of the Bill. The House was aware that the last Act passed for the regulation of Buildings in the Metropolis was in the reign of George III. An enactment of seventy years must be wholly inapplicable to the present circumstances of the metropolis. He therefore proposed to repeal it altogether. That Act contained provisions for the prevention of fires. He, however, would produce a separate Measure for that purpose in the present Session. It was not necessary to trouble the House with details which were not only not interesting, but unintelligible, such as those relating to party walls. That subject had been examined with the greatest care by men able to judge, and he hoped that the provisions with respect to it would prove palateable to the community at large, and be willingly adopted by parties whose will it was intended to restrict. In the Bill of last year several clauses were introduced for the regulation of Drainage, which were intended to promote the health of the people. In the present Bill he had introduced a clause of a general nature as to Draining, but he had omitted several of the clauses, because the question of Draining and the supply of water, not only as to the metropolis, but as to other large towns in the kingdom, was under the anxious consideration of the Commission for the Improvement of Towns and Populous Places; and he hoped, before long, that a report would be made which would enable the Government to deal with these subjects. On these grounds he thought it unadvisable to enter on that subject. The only regulation he had introduced into the Measure as to Drainage was, that for the future no house should be erected without a proper provision to secure adequate drainage. He also proposed to provide for the width of streets and alleys. Hitherto such enormous mortality had been caused by the crowded state of the large towns, that for the purpose of preventing such, he intended to introduce a clause that the streets and alleys should be of a certain width. He also proposed to prohibit buildings for the purposes of trades injurious to the health of the people, such as were likely to produce fever. These were the details of the Bill, but he hoped that Members would reserve any observations they might have to make for the second reading. The present Building Act was carried out by district surveyors. In the new Bill he would not interfere with the appointment of these officers; he would not deprive the Magistrates of the power of appointing them, but there had been great abuses in the appointment of these surveyors, and the interests of the country had, by the appointment of young men, almost boys, been grossly neglected. He would propose to place some restrictions on the appointment, such as that the office of district surveyor should not be held by a Magistrate—that no person should be appointed to it who was under thirty years old, and that the consent of the Secretary of State should be obtained to all such appointments. The Bill would also contain clauses for the appointment of "official referees," who would constitute a tribunal to which disputed questions arising out of house surveys should be referred. By this plan much time, litigation and expense, would be avoided. On another point, namely, the limits to which the operation of the Bill was to be extended, he would propose that the Commissioners should have power to extend them to any distance round the metropolis not exceeding twelve miles from Charing-cross. In conclusion the noble Lord expressed a hope, though the proposed Bill did not possess such claims on the attention of the House as others which had occupied its time, that in the course of the Session they might pass a Measure which would promote the health and comfort of the inhabitants of the metropolis.

The noble Lord moved for leave to bring in the Bill.

Mr. *T. Duncombe* said, he did not rise to offer any objection to the introduction of the Bill, but to call the attention of the noble Lord to complaints which had been made by many persons residing in the localities in which houses had been pulled down to make way for the intended improvements. They complained that they were put to great loss in business and otherwise to much inconvenience by the length of time allowed to elapse between the pulling down of the old buildings and the erection of the new. One consequence of this delay was, that the rating of some of the parishes in which those buildings had been pulled down had been increased. He thought that where buildings were pulled down, they should be replaced as soon as possible.

The Earl of *Lincoln* was quite aware of the inconvenience to which the hon. Member had adverted, but it was one which it was impossible altogether to avoid, and he could assure the hon. Member that it was not caused by any want of diligence in the office over which he presided. There were many things to be done, such as the preparation of proper sewers and other improvements, before the rebuilding of the houses could be commenced, but when completed it would be found that the individual rating in the parishes alluded to would be diminished.

Leave given.

SHIPWRECKS—HARBOURS OF REFUGE.] —Mr. *Rice* rose to call the attention of the House to the Report of the Committee on Shipwrecks, with reference to Harbours of Refuge. He trusted the House would be of opinion that it was the duty of the Government and of the Legislature to adopt such measures as might appear necessary, not only for the security of our commerce, but for the preservation of life and property from loss at sea. These were the objects for which the Shipwreck Committee of last year was nominated. That Committee was appointed with the sanction of Her Majesty's Government, and if the recommendations of that Committee were supported by good and substantial evidence (and he believed no doubt could be entertained on the subject), it would be a waste of time if they should be attended with no practical result. The Committee made several recommendations of considerable importance; but he would confine his observations to that part of the Report which had reference solely to Harbours of Refuge, and it was not his wish to trespass on the time of the House by referring to that part of the evidence which related to the plans of different Harbours; neither would he advert to that part of the evidence which recommended any particular localities. It might be supposed, that he felt some predilections in favour of the town which he had the honour of representing, but whatever might be its claims, he thought he should best consult its interest by divesting his present motion of any local character. He trusted that other hon. Members would adopt the same course, leaving the Government to refer the matter to competent persons to decide upon the most fitting places for Harbours of Refuge. He believed the evidence on which the Report was founded would bear him out in the assertion that the formation of one or more large Harbours in the narrow seas, was not only a Measure of great national utility, but one of immediate aad urgent necessity. He would now trouble the House with a short extract from the Report of the Committee. The Committee said—

"Witnesses of the highest authority have given evidence before the Committee, proving the want of harbours accessible at all times of the tide, and urging the necessity which exists for their erection on those parts of the coast where such Harbours do not exist; and your Committee strongly recommend the immediate attention of the Government and the Legislature to the subject. The witnesses, to whose evidence the Committee refer, have pointed out different localities as most eligible: but the Committee abstain from recommending any particular situations for Harbours, from a conviction that these points will be best decided on by a body, composed of scientific and competent persons, whose attention should be specially and exclusively directed to this subject."

He might observe, that in the Motion which he had submitted to the House, he had adopted, as far as he possibly could, the recommendation of the Committee to nominate a Committee of scientific and competent persons. The Committee went on to say:—

"Attaching the greatest importance to this vast project, on national grounds, as well as for the protection and security of trade, your Committee think it most desirable that as large an appropriation of national funds as can be made be devoted annually to the construction of Harbours of Refuge in such localities as may be recommended."

The Committee then gave their opinion as to certain Harbours, to which he (Mr. Rice) would not refer for the reasons already given. A great number of witnesses were examined, amongst whom were five or six experienced officers, and several civilians who had taken a great interest in the subject. But, in order not to weary the House, he would only refer to the evidence of two or three individuals, who, from their station and professional experience, were entitled to the attention of the House. He would first take the evidence of Captain Washington, an officer who had been employed by the Admiralty to survey the eastern coast. Captain Washington was asked, "Have you turned your attention to Harbours of Refuge?" His answer was,

"Yes, I have thought a great deal about them; there is a great want of Harbours of Refuge on the East Coast. We have nothing from the Forth to the Humber, an extent of a couple of hundred miles; between the Humber and the Thames there is nothing but the port of Harwich; so that there is on the East Coast of England nothing but the Thames, Harwich, the Humber, and the Forth; between the Thames and Portsmouth there is nothing at all that I know of."

He thought the House would admit that, considering the position of France, that part of the coast from Portsmouth to the Thames was not the least important. That gallant Officer was then examined as to certain localities which he (Mr. Rice) would pass over, for the purpose of noticing the evidence of Captain Bullock, who said—

"I was directed by the Admiralty to follow the steps of the Commission on Harbours of Refuge, and make examinations of the Harbours they had not time to do; to take the soundings, and so on."

He was then asked,

"Is it your opinion that it would add to the security of shipping coming up Channel on that coast if there were a Harbour of Refuge somewhere between Portsmouth and the Nore."

And he replied,

"I reported that that was necessary."

Mr. Cubitt, who was one of the Commissioners appointed in the year 1840 to survey the South Eastern coast, and the state of the Harbours, was first examined as to the localities of the place which he had the honour to represent; but he was also asked,

"Will you state, without reference to that Report, whether you conceive there is a necessity for a Harbour of Refuge for the safety of Shipping between Portsmouth and the Nore?" And he replied. "I think there is. That was strongly recommended in the Report of the Commissioners; and of those places there laid down—that is, the North Foreland and Dover, and Beachy Head, and so on, we all agreed, that Dover was the most important place, from its fortifications and other circumstances connected with the situation, more so than any of the rest."

His Grace the Duke of Wellington, the Warden of the Cinque Ports, was also examined. He says:—

"The attention of the Committee has been directed to the subject of a harbour of refuge between Portsmouth and the Thames. Will your Grace have the goodness to state your opinion as to the necessity for the erection of a new harbour?" "I have no doubt about it. I entertain no doubt that it is absolutely necessary; there is now no security between Portsmouth and the Downs. Dover Roads is a very secure place in the period of a northerly or easterly wind, but there is no security at other times; but, on the contrary, it is a very dangerous place in a wind from the south-west. They can run for the Downs, but there is no great ease in the Downs; certainly there is no security in Dover, except from warlike attempts. But I should say, that considering the want of protection from the weather and from military attacks in the Channel, the trade of the port of London would be in a very precarious situation, and will be a very losing one in a variety of ways in time of war, if something is not done beforehand, if some precautions are not taken. Steam power in moving ships has made such progress at present, that it must have a most material effect on maritime warfare in future times. I use the words maritime warfare in contra-distinction to naval warfare. If anybody will just consider the advantage the French coast enjoys over the coast of this country, in observation of what is passing at sea; it is to the southward; they have the sun to their backs; they see everything quite clear; and it is possible from the coast of France to calculate to a moment at what period a vessel coming up Channel will arrive at particular points, and they may be in readiness to seize her at any point which may happen to be unguarded, supposing the vessel to be without convoy, and supposing that there should be no naval means at that point to take care of her. I should say that the trade of the port of London would labour under a great disadvantage if it were found that every vessel coming up from Portsmouth was obliged to come up in a convoy, that she should be picked up unless there were a convoy; and there are no means of providing for that safety except by ports; not one only, but there ought to be, I should say, at least two between the Downs and Portsmouth; I should say one about Dungeness, and another possibly at Dover. I have given a good deal of reflection to this subject, and have thought of it a long while, and that is the conclusion to which I have come; and it is a rational conclusion, for it is founded on what the state of the commerce of this port—which is the great port of the country—will be by-and-bye, if something is not done."

His Grace went on further to explain the necessity of harbours for this purpose, and was asked—

"Your Grace is of opinion that it is absolutely necessary there should be one?"

His answer was—

"I think it so desirable as to be in effect absolutely necessary."

He (Mr. Rice) did not care, provided a large harbour were made, whether it was a harbour of refuge or a harbour of defence, because a good harbour of defence would be a good harbour of refuge, and a good harbour of refuge would be a good harbour of defence. It was the duty of the Legislature to attend to the commercial interests of the country, and it was the duty of the Government to watch over and provide the means of security, not only for our commerce, but for our coast. He recollected the state of the coast when the country was threatened with an invasion by Buonaparte, and he was quite sure that if another war should arise, steamers might run down upon our coast at any time, unless some efficient means should be taken to prevent them. At the time to which he had referred, if steam-vessels had been employed as much as at present, Napoleon might have easily landed 15,000 or 20,000 men. He did not mean to say that he should have entertained any fear as to the result, but such an occurrence would have tended to destroy the confidence which had been always felt in our insular position. Supposing every one of the invaders to have been cut off, still it would have been shown this country was liable to be exposed to those horrors with which almost every country was visited during the course of the last war. He felt a strong opinion on this subject; and must say, that although England, conscious in her own strength, could afford to stand thus unguarded, yet looking at the great improvement which had taken place in steam navigation, it would be advisable to take every precaution against what might occur in the event of another war. We were now in a state of profound peace, and it was the wish of every right-thinking man in both England and France, that that peace should continue; and he perhaps might here be excused for expressing the satisfaction which he felt at what passed on the occasion of the opening of the Dover railway. The municipal authorities of Boulogne were present, and he was extremely gratified to hear them express their warmest wishes for the continuance of a mutually good understanding between the two countries. He believed that the sentiments of the right hon. Baronet on that subject were fully reciprocated by the French Government. But were the French Government the less active on that account? Were they not increasing their navy, particularly that branch of it which consisted of steam-vessels? He might be wrong, but if so he was of course liable to be corrected; but he believed he was right when he stated, that at the present moment the numerical force of the French steam navy was greater than our own. He did not say that it was more efficient, but he believed it was greater. They had acted according to the old maxim, that the best way of preserving peace was to be prepared for war; and he thought they had acted wisely in taking advantage of a period of profound peace to complete and render efficient the force of their steam navy. They had also improved the whole coast from Dunkirk to Cherbourg—the entrance to the harbours of Calais and Boulogne had been greatly improved, and the harbour and breakwater at Cherbourg were now completed. When he was there in the summer of 1842, there were 400 men employed at the work, and a gallant officer (Captain Taylor), who was examined before the Committee, stated that the harbour of Cherbourg was capable of containing forty sail-of-the-line. When the French Government were thus acting, why were we content to look idly on without doing anything whatever? He asked the right hon. Baronet at the head of the Government, when he meant to act on the opinion expressed by him in 1840? He really did hope that they should no longer hear financial objections to the proposal from the Chancellor of the Exchequer. What was the amount of expenditure considered necessary? In the report laid before Government by the Commission appointed by the right hon. Gentleman the Chancellor of the Exchequer's predecessor in office, to examine the plans and estimates for a harbour of refuge on an extensive scale, the total amount for the three first years was 500,000*l.* At the end of that time, the harbour, it was supposed, would be so far completed, and would then, in order to give it the solidity necessary for all great national works, require a further period of ten years more at an average of 100,000*l.* to render it perfect. Ought such a sum as this to form any reason for longer delay? He believed that no one—not even those Gentlemen who assumed to themselves a peculiar watchfulness over the public purse—would object to the outlay of such a sum for such an object. He hoped, therefore, to hear the right hon. Baronet at the head of the Government state that he was prepared to act on the opinion expressed by him on this subject so long ago as 1840. He felt that the subject hardly warranted him in trespassing so long as he had done on the attention of the House; but as the Committee had recommended this subject to their attention, he hoped the House would not deem the observations which he had made irrelevant to the question. The hon. Member concluded by moving,

"That an humble Address be presented to Her Majesty, praying that a Commission of scientific and competent persons may be appointed to consider and advise the best means of carrying into effect the recommendation of the Committee on Shipwrecks."

Sir *J. R. Reid* as a practical man connected with the shipping interest, had no hesitation in saying, that Dover would be the best place for a harbour of refuge. He did not say so from being one of its Members; but he said so because it was his firm conviction that a harbour of refuge at Dover would be of the greatest benefit to all those connected with the shipping interest. He trusted that the Chancellor of the Exchequer would not offer—he would not say some absurd objection—but he hoped he would not offer any objection of a financial kind. There was no difficulty in raising any amount of money at a moderate interest, and nothing would gratify him more than to be entrusted with a commission to raise the amount of money required. He knew the locality and the necessity which existed for a harbour of refuge, and he hoped to hear the right

Irish representatives, and enlarge the Franchise so as to place them on an equality with England. Let him imitate the example of Mr. Pitt when he sent Lord Fitzwilliam to Ireland with ample power to do justice. Let him select such a man as Lord Spencer, with power to sweep out, in one mass, the personification of bigotry by which Dublin Castle had been so long infested. Let him give employment to the people by the establishment of public works of great national importance, such as were now proposed. Let him elevate the most talented man in the Empire to the first judicial seat in Ireland, and then, let him, to crown all, give a six weeks Session in College Green of the Imperial Parliament for the transaction of Irish business only, and then the right hon. Baronet might be placed in the proud elevation of universal confidence and permanent power. With these few observations he would content himself and proceed to the immediate object of his Motion. His plan was to establish a ship canal from Dublin to Galway, and on the bank of that canal he would propose the formation of a railway. The harbour of Galway was formed by nature into one of the noblest harbours of refuge in the United Kingdom—it would be a harbour of protection in case of war, and a harbour of refuge against the elements, to protect the commercial marine of the country throughout the year. [Here the hon. Baronet read a letter from Sir James Anderson in support of his views, and referred to several authorities.] The writer of that letter intimated that there was a new company about being formed to carry out the design of a newly-invented steam-carriage, by which it was intended to be proposed to the Government to carry the mails gratis to Holyhead, in nine hours, and from Dublin to Galway in four hours, without the necessity of the expenditure of 500,000*l.* over the Menai, without which expenditure the present steam cannot proceed to Holyhead. The Railway Commissioners were directed to inquire and report with reference to the most expeditious mode of communication with America across Ireland, and in their report they recommended the establishment of the harbour of Cork, which was an erroneous recommendation, for as expedition in the post-office department was the object, they should have selected the port which was nearest to Dublin, and equally near to America; the time that would elapse after the arrival of a vessel at Cork or Valentia, before that arrival would be notified in Dublin, would be just twice as much as when the communication would be between Galway and Dublin. Besides the Commissioners' reports related to railways, and to the probability of remuneration by the internal trade of Ireland. It had no relation whatever to the making of a ship canal; that was a project which originated several years ago with an Irish nobleman (Lord Cloncurry). He, at his own expense, employed eminent engineers to ascertain the practicability of the execution of a ship canal to Galway. The facility of the undertaking was demonstrated to exceed the most sanguine expectations—meetings were held in Liverpool and Dublin. The gallant and hon. Baronet (the Member for Liverpool) was present at the Liverpool meeting, and was afterwards examined in the House of Lords; and by a paper ordered to be printed on the 11th of August, 1834, it appeared the gallant Officer deposed that he was so present, and that the project of a ship canal was universally applauded. [Sir *Howard Douglas* was not in the country in 1839.] He spoke from official documents printed by order of the House in 1834, and consequently did not refer to the year 1839. In this last-mentioned year the noble Lord, the Chief Secretary for Ireland under the late Administration, brought forward his proposition in that House for the application of 2,500,000*l.* of the public money for the construction of a railway; that railway would have traversed the country longitudinally, and the distance of its termination would be twice as great, and the expense of construction would be twice as much as the cost of constructing a railway between Dublin and the nearest harbour on the western coast of Ireland. This proposition fell to the ground when Lord Morpeth went out of power, and so the matter rested till the last Session, when the hon. Member for Roscommon renewed the proposition of Lord Morpeth. But that Motion was strenuously opposed by the right hon. Baronet (Sir Robert Peel), who objected to the Motion on the mere grounds that the State should not interfere in matters of that kind, and that it would be much better to leave them to private speculation. The hon. Baronet proceeded to quote the evidence of Sir John Burgoyne, and many other authorities, and concluded by an impressive appeal to the Government to take this and every other opportunity to alleviate the distress of the Irish people and give them employment. The hon. Baronet concluded by moving, that

"A Select Committee to inquire and report how far it might be practicable, expedient, and useful to promote a more speedy intercourse between Great Britain and America, by the establishment of steam carriages (in connection with a ship canal also to be executed) across Ireland, and thence by steam communication across the Atlantic Ocean."

The Motion having been put,

Sir *R. Peel* said, it would be impossible for the House to concur in the Motion of the hon. Baronet without consenting to make Galway the particular port of communication between the United Kingdom and the United States, and it would, therefore, be highly inexpedient to acquiesce in a Motion of this kind, emanating from an hon. Member, representing a local interest, as other hon. Members representing other interests might claim a similar privilege. Without disguising the importance of others, still having regard to the great interests of Ireland, the Railway Commissioners in their report recommended two great lines of railway as the preferable means of communication in that country, one a south-western and the other a northern line, and of the south-western line they proposed that Cork should be the terminus, deeming that port the most convenient packet station or port of call in the event of a communication being established with America through Ireland. Should this line be determined on, it could not fail to confer benefit on Galway. The Commissioners did not recommend the construction of any railroads which could interfere with the interests of the two great canals, in which a large amount of property was invested. He had that day had an interview with some Gentlemen who were disposed to construct a railway in the direction of Galway to Cashel, and who would, if they had succeeded in serving their notices sufficiently early, have brought in a Bill for that purpose during the present Session. He trusted that they would be able to bring it in early in the ensuing Session of Parliament. Under these circumstances, where the object was in a fair way of accomplishment by means of private enterprise, he thought the interference of Parliament would be injudicious, and therefore suggested the withdrawal of the present Motion, as likely to have a prejudicial effec on the efforts of those who were endeavouring to accomplish the same object in a legitimate way.

Mr. Sergeant *Murphy* rejoiced to hear that a probability existed of the construction of a railway between Dublin and Cashel by individual enterprise, the effect of which must be a great stimulus to the investment of capital and the employment of labour in Ireland. He hoped, therefore, that if after Easter they came prepared with their Bill, the House would give their favourable attention to the subject, and consent to the suspension of the Standing Orders, which had been done on a former occasion with so beneficial a result. In reference to the right hon. Baronet's observations respecting the demands likely to be made by other Members representing local interests, he could only say that his regard for the interests of Cork would never make him regret an advantage conferred on Galway.

Sir *V. Blake* replied, the Commission issued, had reference to voyages from land to land with sailing vessels only. Post Office expedition was not the primary object, nor were steam vessels then in existence. If Post Office expedition had been the primary object, the ports of Cork or Valentia would not be thought of, because the distance of those ports from Dublin would be an insuperable objection, in as much as the nearest western port to Dublin, was equally as near to America, as Cork or Valentia. The preference given by the Commissioners to Cork harbour, would not have been so given if a ship canal was contemplated, and upon looking to a work published in Ireland by that early, constant, talented, and patriotic advocate, for the execution of railways in Ireland, Thomas Birmingham, Esq., it will appear that the able and eminent engineers, Messrs. Bald and Henry, have actually made a survey of the line from Dublin to Galway, and report that that line consists of a " series of levels, straightness of line, and cheapness of execution as yet unequalled in railway engineering." One thing is certain, that whatever difference of opinion may exist as to railways, none can exist as to the station of the line for a ship canal—nature has ordered that Galway should be selected for that purpose, if ever it be executed—nor would the interests of the Grand Canal be prejudiced as the property would be purchased for the purpose of executing the ship canal, on the line now occupied by the Grand Canal—and the Grand Canal proprietors would probably become parties in the more comprehensive national undertaking. In the event of a war with France, you must have a ship canal across Ireland, or the trade of Liverpool will be extinguished—the responsibility belongs to the right hon. Baronet. He had done his duty in bringing the matter forward, while there was time to anticipate and prevent the evil, consequent upon a war, which will be a war of extermination on the one side or on the other.

Motion withdrawn.

THE CLONTARF PROCLAMATION.] Colonel *Rawdon* rose, in pursuance of his notice, to move a resolution—

> "That it is the opinion of this House, upon considering the lateness of the period at which was issued the Proclamation of the Irish Government, intended to prevent the assembling of a meeting announced to be holden at or near Clontarf on the 8th day of October, 1843, that a risk of disastrous collision was incurred, and a precedent thereby created dangerous to the lives and liberties of Her Majesty's subjects."

He had not yet heard a satisfactory reason why Ireland, and the Representatives of the Irish people, should not call upon the House for that which had not yet been given, viz., the expression of its opinion upon that Proclamation. He gave the noble Lord (Lord Eliot) full credit for being sincerely anxious to perform the duties of his office for the benefit of Ireland, and he was quite sure every Irish Member who had heard the noble Lord's speech must be convinced of the deep sympathy he felt for the Irish people. But he charged the Government of which the noble Lord was a Member, in reference to the Clontarf Proclamation, with supineness and inactivity, and with a neglect of their duty which might have led to the most deplorable results. It had been happily said by the right hon. Member for Edinburgh (Mr. Macaulay) that the Government had been weighing words when they should have been weighing lives. If he understood the facts correctly, the noble Lord the Lord Lieutenant of Ireland had left London for Ireland on the Wednesday, but it appeared that he did not arrive in Dublin until the Friday morning. Seeing the necessity for his presence, why had he not as he might have arrived on the Thursday? The Council, it appeared, met on the Friday, and deliberated, and why was not the Proclamation issued on Friday? They had as yet received no explanation of the delay. A Proclamation was the exercise of a portion of the Royal Prerogative; but the Proclamation issued by the Irish Government was destitute of the most beautiful feature of the Prerogative—mercy. The Proclamation was not issued till the Saturday night when the meeting was to take place on the Sunday. It had been asserted that it was issued early on the Saturday, but he had received a letter that day which said—

> "There can be no question whatever that three o'clock, or a few minutes before, on the Saturday afternoon, was the earliest moment at which the Proclamation was issued. I am surprised at the statement of Sir Robert Peel that the Government Proclamation was out early on the Saturday, for he must have known the contrary."

The right hon. Baronet at the head of the Home Department, and the noble Lord the Secretary for Ireland, stated that measures had been taken for posting up the Proclamation, immediately upon its being issued, in all places within thirty miles of Dublin. The hon. and gallant Member read several documents containing declarations from various persons in humble life in Dublin, as to the hour at which the issuing of the Proclamation became generally known in Dublin, and the towns around it. One person had gone on the evening of Saturday to Leighlin town, where he saw no Proclamation; and at Bray, at a quarter past ten o'clock at night, there was no Proclamation posted. Another person had gone to Maynooth on the evening in question. He started from Dublin at ten o'clock, and passed various populous towns, amongst others, Farmer's-town, where he had seen no Proclamation posted. He reached Maynooth at half-after two o'clock next morning, where the Proclamation was generally exhibited. Surely, these declarations proved that the instructions issued by Government to post up the Proclamation had not been observed. The persons whose declarations he had read were ready, he believed to depose on oath to their statements, and they added that the police had information of the intended proceedings of Government with regard to the people. Was such the conduct of a paternal Government? Surely, when information was given to the police it might have been given at the same time to the people. The declaration of the guard of the Naas caravan was to the effect that he had not seen the Proclamation on the evening on which it was issued in any of the towns betwixt Dublin and Naas. In some instances the people were only informed of it, next morning, through the medium of their clergymen. A bill-sticker in Dublin who might be supposed to be a tolerably good judge of such matters, stated that he had not seen the Proclamations stuck up in the principal streets in Dublin until four o'clock, when he saw a policeman posting one up with wafers. Now, if the places to which he had alluded were English towns, the proceedings of the Government in regard to their delay in posting up the Proclamations would not have been allowed to pass without severe question. With reference to the Cavalry Proclamation issued by the Repealers, of which so much had been said, and upon which the defence of the Ministry had so specially rested; that Proclamation appeared in *The Nation* newspaper upon the Saturday week before the Clontarf meeting. As soon as it became known at the Corn Exchange that such an article had appeared, a message was sent to *The Nation* office, and another edition was published without the Proclamation. *The Pilot* evening newspaper appeared without it. It was well known for three weeks previously, that the Clontarf meeting was to take place. The fact had been advertised over and over again. The Cavalry Proclamation had been suggested upon the Friday, and left at the office of *The Nation* for publication that night. It was his firm belief that had it not been for the Repeal Association—had it not been for the indefatigable exertions of the hon. Member for Cork, a collision would have taken place at Clontarf between the military and the people. He complained that the Proclamation had not been published in *The Gazette* before the meeting, at all events it should have been published upon Friday; it actually appeared in the *Gazette* upon the Monday after the meeting. Now, if this had been done exclusively by Irishmen, how much they would have heard of blunders of the Irish—of the new mode of warning people of danger after the danger was over. Why, the people in many cases, as stated by the declaration he held in his hand, believed that both the Government Proclamation and Mr. O'Connell's counter proclamations were hoaxes issued by the Orange party. Many people even went in the direction of Clontarf, and were only convinced that the Proclamation had really been issued by the formidable array of troops near the place, and by the exertions of Mr. Steele. who had the blessing of God upon his head that day, as one of the instruments in warding off an appalling massacre. From these facts, therefore, the House must draw the inference, that the people had not been sufficiently warned. Adverting to the circumstance that the Clontarf meeting was called principally upon the requisition of clergymen, he thought that it was curious that the Government should have prohibited that particular meeting. It was well known that people had come to attend the meeting from Liverpool and Manchester. Now, could it be believed that the same wind which wafted them across the Channel, also brought over vessels of troops for the suppression of the meeting. Surely notice should have been given on the English side of the Channel of the intentions of Government as to the suppression of the meeting. It was notorious that the meetings up to the time of the Clontarf assemblage had been perfectly peaceable and tranquil. He was in Italy when he heard of the Clontarf Proclamation; and he certainly thought that something was expected at that meeting different from what had taken place at the others; that the Government were in possession of some information respecting it, of which the public knew nothing. But the result proved that such was not the case. Donnybrook, where a meeting had already taken place, was much in the same position, as regarded Dublin, as Clontarf, so that no objection could be taken to the latter on the score of situation. Some difference should have been made between the Proclamations issued to put down the meetings in Wales and Ireland. The Welsh meetings were attended with riot and violence—the people there were disguised, and armed with guns. But in Ireland nothing of the kind had taken place—no circumstance had occurred which could have given the Government cause to fear a breach of the peace, The people met constitutionally to express an opinion—to express in the face of heaven an opinion against the justice of the Act of Union. He considered that there was no crime in that—he considered these meetings more in the light of their forming a safety valve than anything else. But there was another difference between the Welsh and the Irish Proclamations. The Welsh Proclamation called on "civil officers" to repress the outrages—the Irish Proclamation was addressed to the "officers connected with the preservation of the peace." Now he thought that this would apply to military as well as civil officers. He might be wrong, but still that inference might be drawn. By the wording of the Proclamation Government condemned itself; for it was clear, upon their own showing, that if the meetings should have been suppressed at all, they should have been suppressed long before the issue of the Proclamation forbidding the Clontarf meeting. So far as he could see, the military arrangements for the suppression of the meeting were well conducted, but at the same time he believed that, so great was the tranquillity and order of the people, that a corporal, with a file of men, could have effected the object. But complete as those military arrangements were, proper precaution had not been taken—due notice had not been given to the people. By their having permitted similar meetings so long, Government must be understood to have connived at them, and surely a better reason should have been given for their late and arbitrary proceeding than some miserable allusions to the cavalry Proclamation. By affirming his Motion, the House would show that they were alive to, and jealously watchful of the exercise of the Prerogative of Proclamation, and as mindful of the public peace and prosperity. He would tell the House that it would be a dangerous thing to allow the impression to go back to Ireland that they were not to have equal justice. Ireland was asking for equal laws, but it was also asking for equal justice. That equal justice it was determined to have, but by refusing to entertain a resolution on the subject—so guardedly worded as it was—he thought that they would be incurring a heavy responsibility. The hon. and gallant Member concluded by proposing his resolution.

Mr. *Villiers Stuart* seconded the resolution. Although he thought that it was brought forward under disadvantageous circumstances, not on account of the unwillingness of the House to listen to it, for he was bound to say that they had paid the utmost attention to the gallant Member, but in consequence of the long debate which had recently taken place in reference to Ireland,—notwithstanding this, he yet felt, that however unwilling he was to take a part in the present question, he would be neglecting his duty if he failed in coming forward to support it. It would certainly have been more consistent with their duty to the public if the Government had given a more early, a much more early, notice to those parties who intended to attend these great meetings, that they were in so doing acting illegally. There was danger likely to arise from the postponement of the Proclamation till so late a period as the Saturday preceding the Sunday on which this intended meeting was to take place, from the fevered and anxious state of mind of the friends of Repeal, who looked to the Clontarf meeting with the most excited interest, and were actually on their way to it from the neighbouring counties of Ireland. He would ask the noble Lord who represented the Government of Ireland in that House, why was it that the Crown Solicitor (Mr. Kemmis), who acknowledged that he might have done so, did not file his affidavits upon which this Proclamation was founded three weeks sooner? This was the more necessary when the advisers of the Crown must have been aware of the condition in which all who joined in these great meetings involved themselves, namely, that by so joining they rendered themselves liable to prosecution for all the consequences of the Repeal Agitation. But this was not the only instance of neglect the Government displayed in reference to those transactions. It appeared to him that when they were called upon more particularly to be present they had thought proper, under some pretext, to absent themselves and run away. Indeed, it would appear to him, from all the inexplicable conduct of the Irish Government at the time, that there was something radically imperfect and wrong in the constitution of the Irish Executive Government. It would, perhaps, be better that its form should be changed, and that the Irish people should be no longer subject to any but an effective and responsible Government, perfectly adequate on occasions like this to act without waiting for instructions from the Cabinet Ministers. Under these circumstances he felt it was desirable—for the sake more particularly of the effect such a vote would produce upon the minds of the Irish people—that a Vote should be taken upon the Motion of the hon. and gallant Officer, and it should therefore have his decided support.

Lord *Eliot* must answer the speeches of the mover and seconder of the resolutions almost in the words used by himself and by his right hon. Friend the Secretary for the Home Department in the late Debate. He must say, that when the whole conduct of the Government of Ireland was made the subject of a nine days' Debate, on which the House had pronounced, a strong and decided opinion, if the present course could be justified, a discussion might again be revived on every particular act of that Government. He, nevertheless, was not disposed to shrink from all or any portion of the responsibility imposed upon him in consequence of the part which he had taken relative to the intended Repeal Meeting at Clontarf. The serious indisposition of his noble Friend the Lord Lieutenant of Ireland had appeared to most persons acquainted with the fact as a sufficient apology for his temporary absence from his government in the hope of re-establishing his health. The Lord Chancellor of Ireland had been unremittingly engaged in the business of his Court for many months, and it was but proper and customary that at that period of the year he should be enabled to enjoy some recreation. With respect to the character of the proposed Meeting at Clontarf it had quite altered from what it appeared on the first announcement of it to be, and that would be seen by the placards which were circulated immediately preceding the day appointed for the meeting. At first the invitation was addressed only to the people of Fingal, a district of inconsiderable extent. Subsequently the intention that was announced by means of placards, of mustering and marching in military array, through the streets of Dublin, large bodies of horsemen, perfectly authorised, or rather made it the duty of the Government to prevent the meeting. Indeed, if he had been left alone, and without the means of communicating with the Government here, he should have considered it to be his duty to assume all the responsibility of the act, and issue the Proclamation. The alterations that took place in the placards subsequently, such as substituting groups for troops, and which also appeared in the advertisement in the *Nation*, one of the papers of the Repeal party, could not be supposed to change the character of the meeting. It would be worse than quibbling to attempt to maintain that this artifice at all altered the object or the nature of the meeting. But he had thought it advisable to apprise the Government here of that alteration of this advertisement, and of the placards upon the 2nd of October, and it was not until the 4th that that communication reached London. A fresh consultation became necessary, and it was then determined by Her Majesty's Ministers, that the Lord Lieutenant and the Lord Chancellor, should return forthwith to Dublin, and that if circumstances remained unchanged, the Lord Lieutenant in Council should issue a Proclamation, prohibiting the Meeting. On Friday morning they reached Dublin. In the afternoon of that day a Meeting of the Members of the Government took place. The Lord Lieutenant, the Lord Chancellor, the Commander of the Forces, the Master of the Rolls, the Attorney and Solicitor General, and himself were present; and it was determined that a Proclamation should be issued. A Proclamation was accordingly drawn up that evening, and submitted the following morning to the Privy Council: by two o'clock on that day, it was in the hands of the printer. Immediately upon its appearance there were placards posted on the walls of Dublin, in which the conduct of the Irish Government, and even the language of the Proclamation, were commented upon and censured. The hon. Gentleman had referred to letters relating to the time at which the Proclamation was posted in Dublin and its neighbourhood. His evidence was of a negative character, for the gentleman on whose authority he relied only said that he did not see any Proclamation. He (Lord Eliot) held in his hand a statement under the authority of Colonel M'Gregor, whose veracity was unimpeachable,—a statement which was signed and certified by the officers of the Constabulary Force under his command, about the stations within a circuit of nearly thirty miles round Dublin, where it was stated that at Howth, the Proclamation was posted at seven p.m. of the evening of Saturday; at Julianstown, seven p.m.; at Bray, at five o'clock; at Celbridge, between seven and eight p.m.; at Wicklow, between seven and eight p.m.; at Kilcock, at eight p.m.; at Drogheda, at nine p.m.; and so on. These meetings did not take place until one o'clock in the afternoon, and this very Proclamation which summoned the Repeal Cavalry did not summon them to meet in the heart of Dublin until twelve o'clock on Sunday; and, therefore, he contended that there was sufficient notice to parties proceeding to Dublin, and that very slight inconvenience and no danger was occasioned to any persons by the delay. He could speak from his own knowledge that he saw the Proclamation posted on the quays, and in many other parts of Dublin. It was in the hands of the persons at the Corn Exchange before three o'clock on Saturday. It was admitted that the military measures were well taken. It was true that there was a large and overwhelming force, but that was done from motives of humanity, to prevent any danger from the people taking possession of the ground. He regretted that any individual should have been inconvenienced. If he was, it arose from unforeseen circumstances over which the Government had no control. He did not contend that the meetings on previous occasions had been illegal, and there was no reason to apprehend till the Saturday, on which the placard had appeared, that this meeting would have differed from the others. The hon. Gentleman had commented on the policy of allowing meetings to Petition as a safety valve of the Constitution. In the course of the meetings, which spread over a period of nine months, he did not believe that a single Petition had been adopted, and therefore those meetings were only meetings under the pretence of Petitioning. The hon. Gentleman who seconded the amendment had said that Government were in possession of means of instituting a prosecution before the Clontarf meetings. He (Lord Eliot) had already said, that Government would have been guilty of a dereliction of duty if they had allowed a meeting, under such circumstances, to take place in the heart of Dublin. Although Clontarf was at some little distance, yet the assemblage of these men on horseback, and in military array, would have been a defiance of all law and of all order. The Government entertained no moral doubt whatever of the existence of a dangerous conspiracy, but had not obtained that legal evidence which would have enabled them, with hopes of success, to prosecute the parties. He believed he might appeal with confidence to the Attorney General for Ireland if the first proceedings were not taken the very moment Government were in possession of evidence which they believed would enable them to prosecute with effect. He denied that there was any intention of entrapping the people into the commission of crime, and indeed he was happy to find that that charge had been withdrawn. Under these circumstances he thought the hon. Gentleman had no ground for calling on the House of Commons to express its disapprobation of the conduct of Government in respect to the Clontarf Proclamation.

Mr. *Somers* protested against the sophistry of the noble Lord. There was no getting over the fact that it was by a miracle almost that a large unarmed multitude was not brought in contact with an overwhelming force, when the slightest accident might have occasioned an indiscriminate butchery. The present Government received Ireland prosperous and peaceful, and it was now a camp.

Mr. *Sharman Crawford* said, the noble Lord the Secretary for Ireland had objected to this discussion on the ground that the whole question of Ireland had been so fully debated on the recent occasion, but he did not see any reason why every question relating to Ireland should not be repeatedly discussed in that House. With regard to the delay in issuing the Proclamation, if the Lord Lieutenant were obliged on every occasion to refer to the English Government and consult with them, where was the use of that Functionary? He contended that the use of the words "troops" in the Repeal Proclamation did not constitute illegality. The noble Lord said that the illegality of the meeting arose from the Notice, which indicated that the people were to assembl in military order. Had they not assembled in military order before? Did the mere use of the word "troops" constitute illegality, when such things had been done before? But he denied that the appearance of military array constituted the illegality of the meeting. There were precedents, in Irish history, of military array being adopted for thirteen years and not noticed by the Government. When the Orange processions took place, they formed in military array and carried arms and fired shots. The noble Lord said the real purpose of the meetings was not to prepare petitions, but was the noble Lord in the House on a previous day when the hon. and learned Member for Cork presented a whole pile of petitions agreed to at those meetings? He gave the most decided support to the Motion of his hon. and gallant Friend, and he hoped that more Motions of a like kind would be made on other points connected with the late proceedings. He trusted that some constitutional lawyer would yet take up the conduct of the Attorney General for Ireland in the Court during the late trial, which he could regard in no other light than as an insult to the dignity of justice, an outrage on the bench, and a dangerous attack on the liberties of the subject.

Mr. *E. B. Roche* would support the Motion on the ground that Ministers had not meted out the same measure of justice to Ireland in this case as they would have done under similar circumstances to England. Whatever were their motives, the effects of their acts might, perhaps, have been to have created a slaughter of the people on the ground of Clontarf, had it not been for the aid they received from the hon. and learned Member for Cork. Government ought to have had recourse to a Baal-fire on the top of the castle of Dublin, to give notice of the stoppage of the meeting; if they chose to wait till the night before, they ought to have employed some extraordinary means to spread the intelligence. He did not doubt that the military measures had been good, and that the ground had been judiciously occupied; but the publication of the Proclamation would have served little purpose had it not been for the aid of the hon. and learned Member for Cork. He did not know why so much stress had been laid on the gasconade inserted by some senseless blockhead in the *Nation* newspaper. Every party had some brainless fools attached to it; but was a nation to run the risk of being plunged into civil war because some foolish thing was done which was not acknowledged by the party? He thought the hon. and gallant Officer was quite right in bringing forward this Motion. It was the contemptuous treatment which Irish affairs and the claims of the Irish people received at the hands of that House which had made him a firm and decided Repealer, and he should continue to be so, so long as there was one measure of justice for England and another for Ireland. He had but one course to pursue, and that was, in spite of the threats of Gentlemen opposite, to continue the Agitation of the Question of Repeal, as long as he could, and as ardently as he could within the limits of the Constitution.

The House divided:—Ayes 62; Noes 90; Majority 28.

List of the Ayes.

Baring, rt. hon. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Bernal, Capt.
Blake, M.
Blake, M. J.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Browne, hon. W.
Busfeild, W.
Butler, P. S.
Carew, hon. R. S.
Cave, hon. R. O.
Childers, J. W.
Clay, Sir W.
Cobden, R.
Collett, J.
Crawford, W. S.
Dawson, hon. T. V.
Duncan, G.
Evans, W.
Ewart, W.
Fielden, J.
Gibson, T. M.
Gore, hon. R.
Greenaway, C.
Grosvenor, Lord R.
Hawes, B.
Hay, Sir A. L.
Hill, Lord M.
Hutt, W.
James, W.
Labouchere, rt. hn. H.
Maher, N.
Marshall, W.
Napier, Sir C.
Norreys, Sir D. J.
O'Connell, M.
Plumridge, Capt.
Roche, E. B.
Ross, D. R.
Russell, Lord J.
Scholefield, J.
Smith, B.
Somers, J. P.
Stansfield, W. R.
Staunton, Sir G. T.
Stuart, Lord J.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Villiers, hon. C.
Wall, C. B.
Wawn, J. T.
Williams, W.
Worsley, Lord
Wyse, T.
Yorke, H. R.

TELLERS.

Rawdon, Col.
Villiers, S.

List of the Noes.

Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Baillie, Col.
Bentinck, Lord G.
Borthwick, P.
Botfield, B.
Bruce, Lord E.
Burrell, Sir C. M.
Chetwode, Sir J.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Colvile, C. R.
Copeland, Mr. Ald.
Cripps, W.
Davies, D. A. S.
Dick, Quintin
Dickinson, F. H.
Eaton, R. J.
Eliot, Lord
Escott, B.
Farnham, E. B.
Flower, Sir J.
Follett, Sir W. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Glynne, Sir S. R.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenhall, P.
Greene, T.
Grogan, E.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Jones, Capt.
Kelly, F. R.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Mackenzie, T.
Mackenzie, W. F.
M'Neil, D.
Mainwaring, T.
Manners, Lord J.
Masterman, J.
Mundy, E. M.
Neville, R.
Nicholl, rt. hon. J.
Packe, C. W.
Palmer, G.

Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Rushbrooke, Col.
Scott, hon. F.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Thompson, Ald.
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Vivian, J. E.
Wood, Col. T.
Wyndham, Col. T.
Yorke, hon. E. T.
Young, J.

TELLERS.
Freemantle, Sir T.
Baring, H.

INCLOSURE OF COMMONS.] Lord *Worsley* said, it would be in the recollection of the House that he had, last Session, brought forward a measure for facilitating the Inclosure of Commons, but in consequence of the late period of the Session he had not persevered with the Bill. It was important, in considering this subject, to bear in mind the resolution which had been passed by the House, and adopted into the Standing Orders, with the object of reserving a certain portion of every tract of waste land on its inclosure, for the health and recreation of the people residing in the vicinity. He believed that a very erroneous impression existed as to the effects with which the inclosure of land was attended, in reference to the interests and to the amusements of the humble classes of the community. It was his opinion that if the management of the waste lands were placed under a Board properly constituted, the result would be found to be, that in many places where there was now very great difficulty in finding employment for the poor, there would be, in the course of eight or ten years, a very large number of persons employed in draining the land and inclosing it; that additional encouragement would be given to the poor to cultivate the land, to say nothing of the increased produce they might expect to obtain from it. He was connected with a county in which agricultural improvements had been carried into effect to a very great extent. Looking to the state in which that county now was, and its condition thirty years ago, and to the facilities which modern science placed in their hands for further improvements, he did not despair of seeing a very large portion of England, which was capable of being cultivated, brought into a high state of tillage, and that, be it remembered, by employing persons who were now lamentably in want of employment. He had obtained much information from persons who were well acquainted with the great changes which had taken place in the course of the last generation in the agriculture of this country, and had received communications from persons who were well entitled to be considered as authorities on this subject, which all tended to confirm the views he had endeavoured to express. It might be said, why do not parties now come to Parliament for power to inclose lands capable of improvement? The answer was, that the expense of passing an Act for that purpose through the House was so great as very generally to deter them from doing so; and he believed that this was the reason why parties did not oftener apply for Inclosure Bills. He had received a letter from a gentleman of the county of Norfolk, which said,

> "There is a piece of common in this parish, on which feed asses and three-quarter starved horses and cattle, which are a disgrace to the county. All the owners interested are anxious to inclose the land, but are deterred by a dread of the enormous expenses of an Act of Parliament and the lawyers' charges. I have now before me a statement of the expense of procuring an Act for a small inclosure in this neighbourhood."

The items were as follow:—

Parliamentary Agents......	£309	13	5
Solicitors...............	336	15	2
Ditto Clerkship	206	1	10
Ditto Award, &c..........	168	12	10
	£1,021	3	3
Commissioner, Surveyor, &c.	692	13	9
	£1,713	17	0

This business might have been completed by the Tithe Commissioners for less than 500*l.* There was a Return presented to the House last year, showing the great amount of land which was still in a waste state throughout England and Wales, but referring only to those districts in which the Tithe Commutation had been effected. It appeared from this Return, which was delivered in June, 1843, that of 6,718,523 acres in England, there were 1,358,419 acres of common or waste land; and of 1,877,502 acres in Wales, there were 501,815 common or waste. He had a letter from a gentleman of much experience in North Wales on this subject. He had written to this gentleman, being fearful that what he had heard might not be correct, as although there was much waste land in Wales capable of cultivation, still there were large mountain tracts in Merionethshire and other counties which were not susceptible of tillage. That gentleman said,

> "It is true that large tracts of mountain land in Wales cannot be cultivated as corn-land; but these tracts, comprising the greater part of the counties of Caernarvon and Merioneth, would not be affected by the contemplated Inclosure Bill, as they are already held in severalty as distinct sheep-walks, many of them even being inclosed with stone walls. The Snowden range is all thus already private property, and most of the higher hills. The emaining mountain pasturage, which might not perhaps be well adapted to tillage, would experience the great benefit of being allotted in severalty, like the Snowden range; by which each proprietor would be enabled to ascertain his lands, and the contention caused by the disputes perpetually arising as to rights of common extinguished. Large portions of the lower hills, which would be the object embraced by the Bill, are capable of great improvement, and this comprises all the range in a circular direction round the great mountain masses, from the promontory at Lluyn, in Carnarvonshire, through the counties of Denbigh and Flint to Montgomeryshire. Certainly, many of the best parts in this district have been enclosed under special Acts of Parliament for that purpose, but the operation of them has been so expensive as to check any probable continuance of such measures. There still remains much that would be essentially benefitted under the operation of some of the provisions of the Bill. There probably may be in North Wales 100,000 acres or more remaining, for which the measure would be applicable."

He had heard yesterday, on this subject from a gentleman in the county of Surrey, in which it appeared there were upwards of 60,000 acres of waste land. Although he did not pretend to say that all this could be cultivated, he was assured that there were many large pieces of ground, now useless wastes, which could be brought under cultivation and which would well repay the expenditure necessary for that purpose. In the Bill he now moved for leave to bring in, he should propose to give power to those who were to carry it out, not only of inclosing, but also of regulating the right of pasture on the commons. He would refer to a letter from a Gentleman in Wales, which he held in his hand, showing the necessity of such a provision. He said:—

> "During the last year a neighbour of mine, who kept about 1,500 sheep on a range of hills called Radnor-forest (absorbing thereby the pasture on which very many others had rights), kept two men for the whole year as fighting men, in addition to his regular shepherds. It was their duty to quarrel with and challenge any shepherd or farmer who attempted to put sheep on the hill engrossed by this man. One of the men was convicted for an assault and frightened away, but I believe the evil still prevails."

Thus it was evident that the rich were very often benefited by these wastes. In the Report of the Committee that sat last year upon allotments to the labouring poor, there was some evidence by Mr. Mott, which showed not only the vast extent of uninclosed land in the north of England but also that a great deal of it might be brought into cultivation. A farmer in Yorkshire also deposed that some of this was very good land, and would be profitable if properly cultivated; but that in consequence of the great expense of an application to Parliament, there was no intention of inclosing it, although there was great anxiety to do so. The same witness, alluding to other populous places in Yorkshire, stated his opinion that the greatest benefit would accrue from bringing the land into cultivation, and that if the first expense were got over parties would be ready to invest their capital. There were 18,000 or 20,000 acres of waste land around Bingley, a great deal of which was good, and a petition had been presented by the Board of Guardians stating their strong impression of the importance of a measure for general inclosure. Mr. Mott stated, that he believed there were in Lancashire 200,000 acres of uncultivated land, and in answer to the question whether the improvement of the land would repay the outlay, he stated that land valued at 30,000*l.* would be worth 50,000*l.* What he (Lord Worsley) wished to propose was, that Commissioners should be appointed as Inclosure Commissioners, and that some such plan should be adopted, as that if two-thirds in value of the parties interested in the land, either as common land, or land in common, should wish to have it inclosed, there should be a meeting called, and that then they should make an application to the Commissioners, who would send down Assistant Commissioners who would take into consideration, not only the interests of the parties, but the locality and the general advantages to be derived from the inclosure. Then, if they should be of opinion, that it would be advantageous to have the inclosure, they would so report to the Commissioners. A day would then be appointed for hearing the claims, and after award should have been given upon them, a certain notice should be given to enable the parties to object. Then if one-fourth of the parties objected to the inclosure being proceeded with, they should petition the House of Commons, and give notice to the Commissioners not to proceed until six weeks after the meeting of Parliament, or after the date of the notice. He thought that plan would prevent all hardship upon the parties, by giving power to that House to adopt the inclosure if they thought it right, and if not, it would prevent great expense and loss. He assured the House, that he had endeavoured to form the Bill with a strict regard to the rights of the poor commoners, also considering well whether it would be advantageous to the parties to whom the property belonged, as likewise to the population of the surrounding districts; and he hoped the House would allow him to bring in the measure. Much evil had arisen from local acts not having in some instances been fully carried out, and in others unfairly, the consequence of which was, that many persons holding common lands, but really having no title, had been put to great inconvenience in the sale or transfer. He proposed, then, that instead of putting them to the expense of applying to Parliament for powers, an application to the Commissioners should be sufficient. Some hon. Members were anxious that provision should be made for allotments to the poor; and he conceived that a general inclosure measure was so much wanted, and would be of so much benefit to the country, that if a majority of the House should be of opinion such a clause ought to be added, he would not abandon the bill on that account, although he might not approve such an addition. The noble Lord concluded by moving for leave to bring in

"A bill to facilitate the Inclosure and improvement of commons and lands held in common; the exchange of lands, and the division of intermixed lands; to provide remedies for the defective or incomplete execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases."

Colonel *Sibthorp* knew that it was considered in this House uncourteous to oppose the bringing-in of a Bill, and regretted that he considered it his duty to oppose the Motion. He assured the noble Lord that he gave him every credit for his desire to support the landed interest, and for being an excellent landed proprietor, but when he looked at the Bill he could not but oppose it. It contained 140 clauses affecting the country generally. Innovation was at best a dangerous thing; and he had seen in his own time so many dangerous results from innovations—for instance the Reform Bill, which had done everything to cause revolution-railroads, and other dangerous novelties—that he felt disposed to oppose everything savouring of innovation. The noble Lord attempted to force this Bill through in a former Session of Parliament, though on its introduction he (Colonel Sibthorp) might have counted out the House, had not courtesy prevented him from doing so. The Bill was brought in on the 2nd of June, 1843, and read a second time on the 14th, but afterwards fell to the ground. Why, he knew not, except that the noble Lord found that the House did not approve of it. His great objection to it was, that it was too general an Act to be brought in by any private Member of the House, and that if it were a measure deserving of consideration, and for the public good, it should be left to the Government to bring it in. Hon. Members opposite talked much of the rights of the poor, but why bring in a Bill to deprive them of the means of recreation and amusement? Why not let them play with their boys and girls, and enjoy the manly and healthful sports of foot-ball, cricket, bowls, and hurling, as they and their fathers had enjoyed for ages? There was another question he would wish to ask. The noble Lord the Commissioner of the Woods and Forests was every day labouring to open wide streets to give free air to the people of the metropolis; but by enclosing these commons they would not only deprive the poorer classes of their pastimes, but in some degree deprive all classes in the neighbourhood of the free circulation of air which they had hitherto enjoyed. Then they were to have a host of Commissioners and Assistant Commissioners and Clerks, and, as a matter of course, a fair amount of jobbing. Who was to pay the Commissioners? This Bill would diminish the protection which the farmer and occupier of the soil now enjoyed, as it would give a power to any one proprietor to call a meeting at any time or place he thought proper, and there originate proceedings for enclosure, which would deprive others of their rights, or, in defending these rights, entail on them heavy and indefinite expense. There was another objection to the Bill—that it gave an absolute veto to the Lord of the Manor, and enabled him to say to the other proprietors, "Unless you accede to my demands, you shall have no enclosure." That was a power none but a Dey of Algiers would require. There were many other objectionable provisions, to which it was unnecessary for him then to allude. The noble Lord had quoted a few letters from Surrey, Yorkshire, Lancashire, and Wales, but was that sufficient to justify the House of Commons in reading, even for the first time, a measure so extensive and novel? It was a dangerous precedent to allow such a measure to emanate from a private individual. The right hon. Baronet the Secretary for the Home Department, should take it up, and assure the noble Lord that his endeavours should not be forgotten on so important a measure. As a public servant he felt it his duty to oppose this Bill, and should take the sense of the House on the first reading. He had gone to a division only on one occasion; and on that he had not been so unfortunate as not to hope for success now. The noble Lord might urge that the Bill should be allowed to pass the first and second reading, and that it might be fully considered in Committee; but he had seen enough of the mode in which business was managed in that House to know that nothing was better than stopping such a measure *in limine*, for if it went through the first reading, *vires acquirit eundo*. Many a wicked man would have been saved from the commission of numerous crimes if he had been only hanged for the first one.

Mr. *Trelawny* should not have addressed the House on the present occasion, had he not opposed the Inclosure Bill brought in by the noble Lord last year. He was prepared, however, to support the introduction of the present Bill, in consequence of an understanding he had received, that provision would be made in it for the healthful recreation of the working classes. It was evident, that if all the land now unenclosed became enclosed without reference to this, hereafter large towns would grow up near which the people would find no place to enjoy themselves. It seemed to him that a small tax would be levied on parties proposing to enclose in order to create a fund by which ground might hereafter be purchased when required for towns not now in existence. One thing should not be forgotten, that the speculation ought to be profitable without the aid of a Corn-law. For, looking at the present state of public opinion, no one could believe that law would stand; of course, there was always this advantage in enclosing, that the consumer must gain if the speculation be economically sound, to the extent of the expenses of the importation of a given quantity of corn. Under all circumstances, then, he would support the Bill on its first reading, on the understanding, that if, on attentive perusal, it seemed unsatisfactory in the points interesting to him, he should be at liberty to oppose it in a future stage.

Lord *J. Manners* supported the Motion, but he should be most anxious, at a future stage, to promote the introduction into the Bill of provisions, for securing that which he believed in his conscience was the equitable right, and if not the legal right, ought to be so, of the poor.

Mr. *Sharman Crawford* opposed the Bill, and said, that if the hon. and gallant Member for Lincoln (Colonel Sibthorp) divided the House, he should vote with him. From the explanation of the noble Lord, he found the Bill did not essentially differ from that of last Session. He was of opinion, that no land should be allowed to be enclosed in this country without securing allotments for the working-classes. The recommendations of the Allotments Committee ought not to be disregarded. They recommended, that in any general, or even private Enclosure Bill, that might hereafter pass into a law, provision for making allotments for the poor should be introduced. He cordially agreed in that opinion. The report went on to state, that from the evidence examined before the Committee, it appeared, that the effect produced on the labouring classes by their being enabled to hold land on their own account was most beneficial; that their condition was bettered; and that great advances were made by it in reforming the criminal and dissolute. He thought, therefore, that the House, before allowing this Bill to be brought in, ought to consider how enclosures might be made effectual for these purposes. With regard to establishing playgrounds for the people, he despised the idea, if it was to be the sole idea for which provisions in favour of the poor were to be introduced into Bills of this nature. Allotments would give occupation, and pleasing occupation, to the manufacturing and industrious classes at times when they were discharged from work. That occupation would supply the remedy against their going on the Poor-rates. In places where the system had been adopted, the effect had been greatly to reduce the demands on the Poor-rates. Among other persons that he might mention, who had tried the system with eminent success, was Mrs. Gilbert, who had given great encouragement to the Allotment system in Sussex, with the best effect. The House ought not to go on enclosing land without considering the best means of effecting this great object. Considering that Enclosure Bills, almost without exception, were calculated to give a monopoly to the rich at the expense of the poor, he was opposed to this Bill among the rest.

Sir *C. Burrell* was understood to say, that according to the law of England, no man had a right to take from any one that to which he had by law a right in order to give it to another. With respect to manorial rights, the fact was, that a very great part of those rights belonged to poor persons who had claims on the manor. He knew a very large tract of land in Sussex, which it would have been most beneficial to the parish to have had inclosed, but the inclosure was prevented by the copyholders and free tenants. While persons were so ready to object that too little corn was grown in this country, he could not see how they could at the same time object to the enclosure of waste land, but he thought great injustice might be done to the country and to the poor, and industrious classes, if full consideration were not given to a measure of such importance as this. Even where land had been enclosed at great expense, he had known instances where the enclosure had been eventually of great benefit. Near Horsham lands had been enclosed, which he himself had never thought would pay, but they now produced as large crops as some of the very best lands. Considering how great would be the advantage of being able to enclose waste lands at a small expense, instead of the present enormous expenses of obtaining an Act, he should support the Motion.

Mr. *Bright* looked upon this Bill with considerable suspicion, and especially when it ran to the length of 140 clauses; but it appeared to him, as the noble Lord had taken the trouble to prepare such a Bill, it was only fair, that it should be submitted to the House, in order that every Member should have the opportunity of seeing it. He was much gratified at hearing the hon. Member for Sussex express his anxious desire to preserve what he considered a great constitutional principle—that the property of one man should not by law be given to another; that property should not be taken from the poor and given to the rich. He trusted, that in some subsequent discussions in which the hon. Baronet might be engaged before long, with respect to the proprietors of land, he would keep the opinion which he had this night expressed in view.

Leave given.

Bill brought in and read a first time.

PRISONS AND PRISON DISCIPLINE IN SCOTLAND.] The *Lord Advocate* moved for leave to bring in a Bill to amend the law with respect to Prisons and Prison Discipline in Scotland. Previous to the year 1839, the law of Scotland in regard to Prisons and Prison Discipline had been in a very unsatisfactory state. The prisons were hardly in a fit condition for the reception of human beings, and they afforded no security for the detention of the prisoners. The expense too for building and maintaining these prisons, was imposed upon the Royal Burghs of Scotland—the counties generally not contributing anything. The burghs being poor, the consequence was that a very defective state of things arose. There were, it was true, certain local statutes that made a difference in some places, but it clearly appeared by various reports laid before the House, that much was required to be done. At last the attention of the public was attracted to the matter, and in 1839, a Statute was passed to improve Prison Discipline in Scotland. That Statute had ever since been in operation, and great improvements had resulted from it. The prisons were in a more fit state for the reception of those confined, while there was greater security against escape. Boards were established in different counties, and a General Board was established in Edinburgh to superintend the prisons. But it was not wonderful that in the operation of a new system introduced by one Act of Parliament, some defects should exist. During the two last years reports had been laid on the Table, noticing these imperfections, and suggesting alterations. The last report, after expressing a complete conviction of the soundness of the principle which had been in operation for four years, at the same time pointed out some imperfections which required to be amended. The learned Lord read an extract from the report, recommending the adoption of measures to carry out the principle of the Bill of 1839. It was in order to accomplish this object that he now proposed to introduce the present Bill. Since 1839 there had been a new census—that of 1841—and the apportionment of the expenses laid on the population being according to the census of 1831, a very imperfect mode of assessment necessarily existed. Again, imperfections were found to exist in the mode of transmitting prisoners from the general prisons to local prisons; and also with respect to the means of providing for the sustenance of the prisoners. He concluded by moving for leave to bring in the Bill.

Leave given. Bill brought in and read a first time.

House adjourned.

HOUSE OF LORDS,

Friday, March 1, 1844.

MINUTES.] PETITIONS PRESENTED. From Somersby, and 6 other places, and by the Earl of Yarborough, from Market Stainton, for Agricultural Protection. — From Dyserth, and St. Asaph, against the Union of the Sees of St. Asaph and Bangor.

TENURE OF LAND (IRELAND) COMMISSION.] Lord *Monteagle* wished to put a question to his noble Friend opposite (the Earl of Devon) on a subject which deeply interested the public generally, but which more especially interested the public in Ireland. He alluded to the proceedings of the Commission appointed to inquire into the Occupation and Tenure of Land in Ireland. He entertained no distrust of his noble Friend; he believed that the greatest credit was due to him for the energy and diligence with which he had prosecuted the objects of the inquiry, and he should be very glad to hear from him, if he were at liberty to make any communication on the subject, what progress had now been made in the inquiry, and when it was likely the result of the labours of the Commissioners would be made public?

The Earl of *Devon* had no difficulty in answering the question, nor was he sorry that such an opportunity was afforded him of explaining why he was then present in Parliament, instead of proceeding with the investigation in Ireland. He had made arrangements to go to Dublin for the purpose of collecting further evidence, and had intended being in Dublin at the present time; but a few days since he had received a subpœna from the Court of Queen's Bench commanding him to attend as a witness in a criminal case at the next Devonshire Assizes. He had endeavoured to get the evidence which he should have to give made matter of admission; but the defendant considered it essential to the case that he should be examined personally; and he was afraid that he should be detained in England till the trial was over. His colleagues were, however, empowered to proceed with the inquiry during his absence, and they had consented to do so; no delay, therefore, would take place in consequence of his detention in this country. He was not sorry that he had the opportunity of stating that he was not idly or unnecessarily neglecting his public duty. It was generally supposed, although the supposition was incorrect, that the only business of the Commission was to collect evidence. That was, indeed, a most important part of their duty; but, any persons who took upon themselves the responsibility of offering suggestions as to any proposed change in the existing law should make themselves acquainted with that law; and, therefore, a not unimportant part of the duties of the Commissioners was to digest the information on the subject of the relations between Landlord and Tenant which was already accessible to the public. The labours of the Commission would be prosecuted with as little delay as possible.

TAHITI.] Lord *Brougham* moved for a copy of the correspondence which had taken place between the Missionaries in the South Sea Islands and the Government.

The Earl of *Aberdeen*—My Lords, there is no objection whatever on the part of the Government to lay such information before the House as can conveniently be produced. In the course of last year a noble Marquess (Lansdowne), not now in his place, asked me a question as to the effect likely to be produced with respect to the British Missionaries in the South Sea Islands by the recent protectorship of Tahiti by France. I then stated that the French Government had assured me that every security would be afforded them in the free exercise of their functions, and such appeared to be the fact when some papers which were laid before the other

House of Parliament were read; but no complaint whatever was made on the part of the Missionaries. I may mention that only two days ago I received a Deputation of the London Missionaries, and I am glad to inform your Lordships that they had no complaints whatever to prefer. My Lords, I will take this opportunity of saying a few words on another subject. Your Lordships are aware of what has taken place on the part of a French Admiral in the South Seas at the island of Tahiti, and that that act has been disavowed by the French Government. My Lords, I think it right to state that this has been done by the French Government as an entirely spontaneous and voluntary act on their part. I have not written a single line on the subject to Her Majesty's Ambassador at Paris, nor has any remonstrance or representation been made by Her Majesty's Government to the French Government. I felt that when once the subject was known and understood by the French Government, a sense of their own dignity and honour, as well as a sense of justice, would lead to such a result. My Lords, although the statement that I have just made is most explicit, nevertheless I am prepared to see it said that the French Minister has yielded to the British Government, and I take it for granted that the war party in that country will not lose the opportunity of taking advantage of accusations so absurd. In like manner, whether from what I have done or not done, I shall be set down by the friends of that party in this country, though rather absurdly, as having been guilty on my part of a base and truckling policy. This I expect also. I only wish that the war party in France was as little regarded in that country as it is in this.

Lord *Brougham* said, that nothing could be more satisfactory than the statement just made by his noble Friend, and so it would be universally felt to be the case. It would be a complete answer to the war party on the other side of the Channel. He would not say more on this subject, because he was astonished as well as pleased to find that the existence of that party was altogether disavowed; and his noble Friend and himself were accused of creating that party out of their own imaginations; and when the subject was recently named in the Chamber of Deputies, as to whom the party consisted of, there was a cry of "Name, name," and they were challenged to name any person of that party. For his own part, however, he should be but too much rejoiced to find that there really was no war party in that country.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, March 1, 1844.

MINUTES.] BILLS. *Public.*—1°. Metropolitan Buildings. *Private.*—1°. Newbury, Basingstoke, London and Southampton Railway; Guildford Junction Railway; Yarmouth and Norwich Railway.
2°. Salisbury Branch Railway; York and Scarborough Railway; Severn Navigation; Edinburgh Cattle Market.
3°. and passed:—Sang's Naturalization.

PETITIONS PRESENTED. From Huddersfield, against the Duty on Tobacco.—By Mr. W. Patten, from Chorley, against the Poor Laws. — From Wigan, complaining of Exclusion of Catholics from the Jury at the late State Trials.—By Lord Ossulston, from Alnwick, and other places, against any Alteration in the present Corn Laws. — From St. Asaph, against the Union of the Sees of St. Asaph and Bangor.

STATE TRIALS (IRELAND) — THE WITNESSES.] Mr. Sidney Herbert having moved the Order of the Day for a Committee of Supply,

Mr. *T. Duncombe* rose to call the attention of the House to the subject of which he had given notice on a previous evening. He was about to move for

"A return of all moneys paid to Richard Bond Hughes, Charles Ross, and John Jackson, on account of any communications made by them to Government relative to the Repeal agitation in Ireland, distinguishing the amounts paid to each; also, the dates of the several payments, specifying the respective periods at which they commenced; together with copies of any instructions given to the above-named Richard Bond Hughes, Charles Ross, and John Jackson, with respect to the duties to be performed by them in Ireland. Also, a return of the amount paid to the above-named for expenses during their attendance at the trial of the Queen against O'Connell and others. Also a return of all the moneys paid to the late or present proprietor or proprietors, managers, conductors, or persons in the employ of the *Morning Herald* and *Standard* newspapers, or any of them, on account of communications or information made or given by the said parties, or any of them, to the Government, in reference to the Repeal agitation in Ireland; distinguishing the times at which the said communications or informations were furnished, and the period at which the several sums of money were paid."

In opposing, for a short time, the Motion that the House go into Committee of Supply, he was desirous to state that he did not do so in furtherance of the Motion of the hon. Member for Rochdale, but in the exercise of his undoubted right, as a Member of that House, to call on the Government to explain, before they went into the Committee of Supply, the manner in which they had expended certain sums of money which had been already placed at their disposal for the public service. It was more especially the duty of the House to make that inquiry when they had good reason to believe that a portion of that money had been expended in a manner neither creditable or honourable to those who so expended it. They were told that the object of the State prosecutions in Ireland was to vindicate what had been called the majesty of the law—to create increased respect for the institutions of the country, and to inspire the people with confidence in the wisdom and justice of those in authority. He listened with much attention to the late Debate on the subject of Ireland during the fortnight which it lasted. He had looked carefully through the whole evidence that had been given on the State Trials, and he felt justified in saying that it was impossible to find any portion of those transactions creditable to the Government which instituted the prosecutions—to the Judge before whom the traversers were tried—to the Jury who tried them—to the Officers of the Crown who were engaged, in fact to any of the parties concerned, or especially to some of the witnesses produced on the part of the Crown. The branch of the subject to which he should direct the attention of the House on that occasion was that which more immediately affected the conduct of the Government towards the press and those employed upon it. A perverse Government had two ways by which it could proceed for the purpose of destroying the freedom and public utility of the press; namely, persecution and corruption. He could either strain the law to prosecute the press, or could attempt to corrupt those who were connected with it. Now, the present Government seemed to have employed both these means. They had not rested satisfied with corrupting members of the press, but they also strained the law to persecute and prosecute the press. He would not go at length into that question on the present occasion, but wait another opportunity to bring it before the House, and he should not, therefore, trouble them with more than one observation on the subject. He could not avoid remarking, that the law of conspiracy affecting the press, as it had been laid down in Ireland, was not the law that was laid down by the Attorney General for England and Baron Rolfe in 1842, when trials took place at which the question was brought forward. They had seen on the late trials Mr. O'Connell made responsible for articles which appeared in Dublin newspapers that he had not read, and they had seen the proprietors of those newspapers made responsible for speeches delivered by Mr. O'Connell which they had not heard. Now it had been laid down by the Attorney General for England and Baron Rolfe, at the trials at Lancaster in 1842, that the only person who was responsible for articles in a newspaper, was the proprietor, and that even the editor was not to be held responsible for those articles, though he might be one of the parties charged with conspiracy. That was not, however, the branch of the subject to which he wished more immediately to direct the attention of the House. He wished to apply himself particularly to the employment of Reporters by the Government—to the employment on the part of the Government of hired spies—to the employment for that purpose of persons connected with the press; for if the object of these prosecutions had been to create a great moral effect, all the proceedings connected with them, should have been of such a character as to bear the light of day. There should not be in such transactions the slightest appearance of treachery, or the slightest appearance of meanness. The conduct of the Attorney General for Ireland and the Government towards Mr. Bond Hughes, had been most extraordinary, and in moving for a return of the money paid to that gentleman for his services, he did not mean to cast the slightest imputation on his character. It was quite clear from the speeches of the several Counsel for the traversers at the late trials in Ireland, that they acquitted him of any improper proceeding, and the party that Mr. Bond Hughes had the greatest cause to complain of, was the Government. The Attorney General assigned as a reason for not furnishing certain names, the feeling that had been excited amongst the traversers and the public generally, in consequence of the mistake which Mr. Bond Hughes had made with respect to Mr. Barrett, one of the traversers, and yet, the Attorney General and the Crown Solicitor, and his Clerks allowed Mr. Hughes to suffer all the consequences of that mistake long after Mr. Hughes had explained it, and had shown that it had not been a wilful mistake. A few days after the occurrence of the mistake, Mr. Barrett attended at the Police-office to swear informations against Mr. Hughes for perjury, on which occasion Mr. Kemmis attended on the part of Mr. Hughes; and although Mr. Kemmis, the Crown Solicitor, knew that Mr. Hughes had acknowledged his mistake, he persisted before the Magistrates, in maintaining the truth of Mr. Hughes's first statement with respect to Mr. Barrett. Now, that was, in his opinion, most discreditable to Mr. Kemmis, and to the Crown that employed a Solicitor who acted in that way. How was Mr. Barrett to know that Mr. Hughes had not wilfully made a statement that was not true?—that he had not been wilfully swearing falsely? When Mr. Barrett, in the month of October attended before the Magistrates for the purpose of swearing informations against Mr. Hughes, Mr. Kemmis, the Crown Solicitor, attended on the part of Mr. Hughes, and gave no indication that Mr. Hughes had admitted his error. He would read to the House from the *Pilot* newspaper, what took place on that occasion.

" When Mr. Barrett came to read the informations, he found the false statements that had been made against him. No doubt, it turns out they were not wilfully false; but how was Mr. Barrett to know, that, all explanation on the point had been most studiously, ay, and most improperly, withheld? Immediately on making this discovery, Mr. Barrett put the matter in a train of legal investigation. A summons to answer a charge of perjury, was issued against Mr. Hughes, and copies of it are served at the residence of Mr. Hughes and the Crown Solicitor. That summons is discussed before the Magistrates of College-street Police-office, on Saturday, the 21st day of October, and one of the persons in attendance is the Crown Solicitor. Nay, what is more, on the same occasion that Gentleman made a speech to the Bench, in which he not only withheld all explanation on the subject of the mistake which he then knew had been made by Mr. Hughes, but he had the indelicacy and the indiscretion to indirectly maintain the truth of the then impugned, and the now admittedly false portions of the informations. Readers, mark what Mr. Kemmis said on that occasion, Yes! we say, mark it, and remember, that when making the observations we now give, Mr. Kemmis had five days previously heard from Mr, Hughes's own lips, that he had sworn in mistake, We quote from the *Freeman's Journal* of the 23d October, 1843: — ' Mr, Kemmis, (Crown Solicitor) stepped forward, and said, that Mr, Hughes was not at present in the Kingdom, and he (Mr. Kemmis) could pledge himself to the truth of this statement, He considered the present proceeding as a most extraordinary one, for Mr. Hughes had remained several days in Dublin after he had sworn his informations, and yet the prosecutor, during that time, never thought proper to take any exception to his depositions; but now that the gentleman had left the country, certain parties came forward to make allegations against his veracity, when the accused, not being present, could not possibly rebut the accusations made against him.' "

The application to receive the informations was refused by the Magistrates, on the ground that the reserving the informations against Mr. Hughes would prejudice the State Prosecutions. Would the House believe it—would the country believe it, that Mr. B. Hughes left Ireland at the desire of Mr. Kemmis, he was told to leave it, or that his life would not be safe. Why should his life not have been safe? Could they not have made it so by stating to the public the way in which the fact stood? Could they not have put an end to the denunciations against Mr. Hughes by saying that he had made a mistake in his information? He understood from the friends of Mr. Hughes that he was not at all aware that he was to be a party to informations, and that he would rather have cut off his right hand than consented to such. Mr. Hughes was not a person who would descend to be a common informer. The fact was that he was deceived in that matter, having been told by the Solicitor for the Crown that he was only swearing an affidavit verifying his notes, instead of which he was swearing to an information upon which a number of parties were to be arrested. When Mr. Hughes went over to Ireland he had instructions to wait on the Attorney General; but the Attorney General was not at home, and then he went to Mr. Brewster to receive instructions; and he now asked for a copy of those instructions, and a return of the sums of money paid to Mr. Hughes, not that he believed any sum of money could repay Mr. Hughes for the anxiety of mind which he must have suffered and the injury that had been inflicted on him during the period whilst he was allowed to remain under a cloud. From October until January he was allowed to remain under a cloud, although the Attorney General and the Crown Solicitor were aware that he had corrected the error into which he had fallen. He had been brought before the Grand Jury, and he then stated his error; yet until January it was not made public. Mr. Hughes had a right to complain, and by the returns for which he (Mr. Duncombe) moved, the House would be able to see whether Mr. Hughes had received the same compensation which had been given to another—to a favoured individual, Mr. C. Ross. He had now done with Mr. Hughes, and he hoped that in the observations which he made he said nothing derogatory to that Gentleman's character. He now came to the *Carlisle Patriot*, or rather to the case of the late Editor of that Journal; Mr. Charles Ross it appeared had lately been employed as a Reporter for the *Morning Chronicle*, and in his evidence, at the trials in Dublin, being examined by Sergeant Warren, he stated that he arrived in Dublin on the 3rd of July. He was asked,

> "Did you come to this country (Ireland) for any particular purpose?"—Answer: Yes, I came to take notes of Mr. O'Connell's speech at the meeting at Donnybrook.
>
> "Did you come of your own accord, or who suggested it to you—I do not ask you who suggested it?—It was suggested to me.
>
> "Did you attend that meeting?—I did.
>
> "For whom did you attend that meeting?—On the part of the Government."

The House would perceive that the Government suggested to Mr. Ross to go over, the Government at that time knowing that he was employed as a Reporter for the *Morning Chronicle*, a Paper opposed to the views and Politics of the Government. He was asked by Sergeant Warren,

> "Had you any other object in coming over but to Report on the part of the Government?—I had not; but I was engaged on a London Paper at the time I was sent over by the Government."

The House would recollect that the witness was in the pay of the *Morning Chronicle* at the time he went over to Ireland. He was cross-examined by Mr. Henn, who asked him the following questions:—

> "I believe you have stated to my learned Friend, that your mission to Ireland was suggested on the part of Government?—Yes.
>
> "Now Government you know is a very comprehensive word. Have you any objection to tell us who it was, on the part of the Government, suggested this to you?"

When this question was asked, up jumped Counsel for the Crown, Mr. Sergeant Warren, and directed him not to answer, that he was not allowed to tell the Court or the Irish people, or the English people, who sent him over to those trials. He stated that a high person—a person high in office, sent him over. Now he wanted to know, and he thought he had a right to ask who that high personage was that sent him over? He had a right to know, what Member of the Government condescended to employ Mr. Charles Ross, who was a Reporter for, and the servant of, a Newspaper opposed to the Government. Could the Government find no other persons but persons connected with Newspapers (and those Newspapers not in the interest of the Government) for this base purpose?—could they not find other persons, instead of employing this individual? Of course the Government knew perfectly well that this man going over under false colours—going as the representative of the *Morning Chronicle*—would hear secrets, if there were any to be told, which an avowed Reporter of the Government could not obtain. That was an advantage they were desirous of securing, and to show that it was so, he could state that, after the meeting at Mullaghmast, Mr. Ross, who was known to be connected with the Liberal Press at this side of the water, was treated with every sort of courtesy by the traversers. After the Mullaghmast meeting, so little idea was there that Mr. Ross was a Government spy, that one of the traversers, Mr. Steele, as he had secured no means of getting home, took him back in his own carriage, forty-two miles, to Dublin, Mr. Ross had by these means the opportunity of hearing secrets disclosed, and of possessing himself of private information to be used in aid of the proceedings adopted against the Repeal Association. He wanted to know whether this sort of proceeding was fair, upright, or honourable to the Government which had employed this man? Mr. Ross admitted that he had received 350*l.* for his services; 50*l.* for the Donnybrook meeting, and 300*l.* for the rest. He came back to England. He believed

Mr, Ross's connection with the *Morning Chronicle* ceased at the close of the last Session of Parliament, but he returned to Ireland as a reporter for the *Standard*, being at the same time employed to do the dirty work of the Government; and he again asked who was the high personage that had employed this man to do this dirty work? He said it was necessary that the country should know this; and, more than that, it was necessary that the people should know who had appropriated 400*l.* of their money in payment of such services. He could not believe that the right hon. Baronet at the head of the Government had any hand in such transactions, nor could he think the right hon. Baronet the Secretary of State for the Home Department had any hand in it; because, on a former occasion, the right hon. Gentleman had said that the Government had never employed spies in the outbreaks in Lancashire, and that if any had been employed in such a character, it must have been under the countenance of some local magistrate; and he said that the Government never sanctioned the employment of spies, and that every thing done by him should be plain and above board. Well, he could not believe that the right hon. Gentleman was the "high personage," and he wanted to know whether it was a Member of the other House of Parliament, Was it any individual who was a Member of the Cabinet? This he would say, that, let it be whom it might, they had inflicted eternal disgrace upon themselves. So much for the *Carlisle Patriot*, otherwise Mr. Ross. He was now an ornament to the *Standard* newspaper. He was now, he (Mr. Duncombe) believed, a reporter on that paper; and as an agent of the Government, he should like to know what he had received as a remuneration for the services he had rendered. Before he went to the case of Mr. Jackson, he would read to the House what was the opinion of the Irish press upon these transactions. There was an account of Mr. Charles Ross in the Dublin newspapers which he would read to the House:—

> "Mr. Ross (said the *Dublin Monitor*) came to this country, and sought and obtained access to public meetings avowedly as a reporter, first for the *Morning Chronicle*, and secondly for the *London Standard*. In his character as a newspaper reporter he was associated with by Gentlemen connected in that capacity with the Dublin press, yet all the while he concealed the real purpose that brought him to Ireland—he concealed the fact that he was a paid agent of the Government, to spy and ferret out information that might afterwards be rendered available in procuring the conviction of individuals. The plain truth is, Mr. C. Ross acted a treacherous, and therefore an ungentlemanly, part—a part that no person actuated by feelings which are characteristic of a gentleman would consent to act. He deceived those with whom his professional duty brought him in contact—he represented himself to those with whom he associated in this country to be here in the honourable capacity of a newspaper reporter, whereas he was secretly working in the capacity of a hired informer for the Government. No sophistry can palliate, let alone justify, such duplicity."

He concurred in every syllable of those observations. There was also a letter from the correspondent of the *Morning Chronicle* itself, which stated that former Governments had called upon newspaper reporters as witnesses for the Crown, but that those gentlemen had refused to attend. The letter said—

> "Frequently before now have those in office attempted to compel reporters to become witnesses for the Crown; but in no one case have they ever succeeded. In 1824, when Mr. O'Connell was prosecuted for sedition by Lord Plunket, then Attorney General, amongst the witnesses summoned to support the indictment before the Grand Jury were two of the reporters—Mr. Leech and Mr. Kelly. Both refused to appear, and were called upon fines of 100*l.* each. They left Dublin. The bill was thrown out; but it is to be mentioned, to the credit of Lord Plunket, that he did not afterwards attempt to enforce the penalties incurred by them. Several other reporters were summoned on the occasion, before the magistrates; but they all declined giving the slightest information; and the principle on which they acted was this—that newspaper reporters are the representatives of the absent public—that their duty is a simple one, to give information of all that is said or done that it may be interesting to the public to know—that to perform that duty facilities are afforded to them which would be refused, and properly refused, if persons were led to suppose that they were dealing with witnesses for the Crown. It went on to say, 'Change newspaper reporters into Crown witnesses, and freedom of discussion is at an end. Men will fly from public meetings into secret conspiracies; and the first intimation which a government will receive of its danger, will be like to that which was given to Otho of Greece, when his palace was invested with an armed population, and he was 'requested' to give to his subjects a new form of government.'"

There had also been a meeting of newspaper reporters, at which very strong resolutions were adopted, condemnatory of reporters becoming witnesses for the Crown. He came next to Mr. Jackson, of the *Morning Herald*, who, it appeared, was not a regular reporter, but a correspondent of the *Morning Herald*, and who used to write some very interesting and entertaining reports for that paper, or to use his own terms, "rather spicy reports" for those readers who indulged in the *Morning Herald*. At the close of that person's examination he stated that the *Morning Herald* had then lately changed hands, and that it was a short time previous to the change of proprietors he had been directed to put himself in communication with Mr. Kemmis, the Crown Solicitor. The witness then said that he wished to say something, as comments might be made on his conduct. The Lord Chief Justice then asked him what he wished to say?

> "Mr. Jackson: Those manuscript documents, (Mr. Jackson's reports), my Lords, were given by the proprietors of the *Morning Herald* to Mr. Kemmis, the Crown Solicitor, and, so help me God, I never saw them, or knew he had them, until he produced me the letter of those gentlemen, stating that they had furnished him with them, and requiring me to initial them. I considered it was due to my character before the world to make this plain explanation of the truth."

No person could cast the least blame upon Mr. Jackson after this statement. It was evident that Mr. Jackson was ashamed of the conduct of the Crown, and that he was very anxious to cast the odium of the transaction from himself. Those documents were handed over by the proprietors for reasons best known to themselves. He knew it might be said that this took place before the transfer of the *Morning Herald*, which happened on the 1st of January. But there were reasons for handing over these documents before the money was paid, and before the Government assisted in advancing the money. The Government no doubt had very equitable claims to the documents which they found in the *Morning Herald* office before that establishment was transferred, and before it was incorporated with *The Standard*. But it was clear Mr. Jackson was ashamed of the transaction, though it appeared the *Morning Herald* was not ashamed of handing over the documents. He said that the Government ought to be ashamed of their conduct in availing themselves of those documents. He would read some of the opinions of the press on this subject. The opinions were strong, but not stronger than the conduct of the parties would justify. The *Dublin Monitor* of the 22nd January, says—

> "It may be right to inform our readers that the *Morning Herald* was purchased about a month ago; and we presume, therefore, that the present proprietors and editors are not responsible for the perfidious conduct we are now deprecating. Be this as it may, the *Morning Herald* stands charged with an offence which we believe is wholly unparaleled in the history of the public press. The charge is clear and unmistakable. The *Herald* received communications under the seal of confidence, and then traded on those communications with Government in a prosecution against its subjects. This strikes at once at the root of all confidence in public journalists. Instead of maintaining a character for principle and honour, they become spies and informers—for to this it comes. The words are harsh, but they faintly express the perfidious conduct to which we allude. In fact, it is a 'toss up' in turpitude between the *Herald* and the Crown; for the Crown is as inexcusable in availing itself of such sources of information as the *Herald* is in their betrayal."

He (Mr. Duncombe) concurred in that opinion, and he thought that even if *The Herald* was base enough to hand over the documents to the Crown, the Crown ought not to avail themselves of them in a trial of such importance. The trial became tainted by such conduct; and they had better have left the prosecution alone than conduct it by such means, which reflected so little credit on the Government. The noble Lord the Secretary for the Colonies informed the House the other night, with more candour than discretion, that the right hon. Gentleman wrote a letter to the Attorney General for Ireland, commending him for the judgment, the firmness and the good temper with which he conducted the prosecution. As Ministers had thus passed a vote of thanks to the Attorney General for Ireland, he hoped that others connected with the trials would not be excluded. He hoped the Chief Justice of the Queen's Bench would receive a vote of thanks for the charge he had delivered. He hoped that Mr. Kemmis, too, the Crown Solicitor, would be thanked for his services in procuring the jury. No doubt the proprietors of the *Morning Herald* and *Standard* found a sufficient recompence in their own consciences, and were above any idea of remuneration; but he must say they would not do justice to the Chief Justice and Mr. Kemmis if they only thanked the Attorney General for the judgment and temper with which he had conducted the prosecution. Now, he wanted to know if a verdict so obtained would gain any moral influence whatever? He doubted it very much; it certainly had not produced that effect in England. The impression, from one end of England, to the other was, that Mr. O'Connell had not had a fair trial. At the close of last Session, the right hon. the Secretary of State for the Home Department told the House that, if it did not strengthen the hands of the Government, and assist them in putting down what he called the "rebellious spirit in Ireland," England—all glorious England—would exhibit a melancholy spectacle in the eyes of surrounding nations, if there was the slightest shadow of a shade of foundation for that opinion. The Government must now be in a sad state of alarm, because looking at what had occurred during these Debates, and to the general opinion of the conduct of the Government, he must say he had never known a Debate so damaging to a Government. They must be on the eve of the fulfilment of the prediction of the right hon. Baronet, if there was the slightest foundation for his assertion of last Session. He had no apprehension of that prediction being fulfilled. The only apprehension he had of their becoming a melancholy spectacle in the eyes of other nations was a fear that Members of Parliament would not speak out on this question, and would not do their duty; but if hon. Members on both sides of the House would do their duty in this matter, there need be no alarm. He knew it was perfectly competent to Her Majesty's Ministers to refuse the returns he moved for, and that without adducing one single argument in support of their conduct, just as they had the other night the Motion of his hon. and gallant Friend near him, for a copy of a memorial to the Lord Lieutenant. On that occasion they relied not on argument, but on their numerical majority. They might do so on that occasion, they might refuse the information he sought for, and which Ireland had a right to have, but if they did so, the country would not be satisfied, but every impartial man would come to the conclusion that these proceedings had been conducted, from first to last, in a way which reflected no honour on them, either as men or as Ministers of the Crown. The hon. Gentleman concluded by moving for the returns.

Sir *J. Graham*: Sir, I should indeed entertain a melancholy opinion of the future prospects, not only of Ireland, but of the whole United Kingdom, if I could believe that the majority of this House sympathized with the opinions of the hon. Member who brought forward this Motion; and, let me add, that under ordinary circumstances, after the speech which the hon. Member has delivered, and more especially after the invectives and accusations in which he has indulged when speaking of the Government, I should consider it my duty, as a Member of that Government, to oppose altogether the Returns for which he has moved. But, considering the whole circumstances of the case, the particular time at which the Motion is made, and the necessity of a Vote of Money during the present Session connected with the late trials, I could not bring myself to give to the whole of the Motion a direct negative; I am willing to assent to a certain portion of it. I would beg of the House to consider in what light the hon. Member presents himself with this Motion this evening. If I mistake not, the hon. Member was last night attending a meeting of his constituents in Finsbury, where, after a warm discussion, a motion was carried instructing him to obstruct the progress of the Supplies in this House. [Mr. *T. Duncombe*: No such motion was made.] The debate I understood was a stormy one, and after the great variety of topics introduced and the various opinions expressed with respect to them, it was somewhat difficult to say what did or what did not pass. [Mr. *T. Duncombe*: I will tell the right hon. Gentleman.—*Cries of* "No, no."] The hon. Member will have ample opportunity of explanation, if he will allow me to proceed. I wish also to remind the House that the hon. Gentleman has been advertised as the chairman of a dinner about to be given to Mr. O'Connell. The hon. Gentleman has informed the Government that they were very much damaged in the late debate—that we are not so strong as we think ourselves to be—and that a change has taken place on his own side of the House. I wish him joy of that change and of the new compact alliance which he and his friends have entered into. Sir, I will now proceed to touch upon some of the topics to which the hon. Member has adverted, but it is not my intention to reopen those questions which for nine nights have occupied the attention of this House. Sir, my hon. Friend the Member for Bridport is about to ask me this evening when it is the intention of Government to proceed with measures of great importance, and respecting which much anxiety prevails in the public mind. I allude to the Factory Bill and the Poor Law Bill. Now, I beg to remind the House that since the protracted debate on Irish affairs we have had two Supply Days, and on each of those days the hon. Member for Rochdale has made a Motion on the question of going into Committee of Supply for the avowed purpose of obstructing the Supplies. The hon. Member who has moved the Motion now before the House, adopting the same line and pursuing the same course, has on this one Motion reopened all the questions referring to the conduct of the late trials, which have already undergone a protracted discussion. Under these circumstances I feel it my duty to anticipate the question of the hon. Member for Bridport by stating, that it is impossible for Her Majesty's Government thus designedly obstructed to fix any precise time for going on with the Measures to which his question refers. Now, Sir, with reference to the hon. Member's Motion, I at once avow that Her Majesty's Government, observing in the course of the last summer the language that was used at large meetings in Ireland, which were assembled in rapid succession, did think it their imperative duty to obtain clear, full, authentic, and satisfactory evidence as to the speeches, which were addressed to those vast assemblies. I contend that I should have been wanting in my duty to the public if I had omitted every fair opportunity of obtaining such information. Sir, I see hon. Members on the Benches opposite who are opposed—bitterly opposed, I am afraid—to me in politics; but I would ask them if, at all times, it has not been the practice of the Executive Government, when popular excitement has run high, and immense public meetings have been assembled, to obtain authentic information, by means of shorthand-writers, as to the language addressed to such meetings? The simple question, therefore, is, whether the means used by Her Majesty's Government were fair and legitimate? The hon. Member has thought fit to use, I will not say offensive, but certainly very strong language, with respect to the course which has been pursued in the case which the hon. Member has brought under our consideration. Sir, I do not hesitate to avow that all the means which have been adopted to obtain information in the case have been adopted by me, and on my own individual responsibility. I do not wish to throw any portion of my responsibility on my Colleagues. I am the person who is responsible, and from that responsibility I will not shrink. Now, I will state the course which I pursued, and I will do so in the first place with respect to Mr. Bond Hughes. I applied to the person at the head of the Stenograph Reporting Department for the Government and both Houses of Parliament (Mr. Gurney), and requested him to select an intelligent person, versed in shorthand-writing and competent to verify his shorthand notes and to give evidence in a Court of Justice specifying the words spoken in his presence; and I directed Mr. Gurney to send, on the usual terms of remuneration, some such person to Ireland, in whom he could place confidence, and which he safely could recommend. Mr. Gurney, in accordance with those directions, selected Mr. Bond Hughes, and that gentleman was accordingly sent over to Ireland for the purpose of attending the meetings there, and taking a shorthand note of the whole of the proceedings. I am perfectly willing to produce a return of all the monies paid to Mr. Bond Hughes, and also the instructions given to him. In a short time there will be laid before the House a return of all the sums paid to Mr. Gurney on account of the persons now employed in taking notes of the proceedings of the Landlord and Tenant Commission in Ireland, and on account of the shorthand writers who attended the Special Commissions in South Wales, and it will appear from that return that Mr. Bond Hughes did not receive for his services in Ireland a greater remuneration than that which is usually paid to shorthand writers employed by the Government on similar service. I feel quite satisfied that even the hon. Member for Finsbury will say, that the remuneration is not extravagant, and that the instructions are unexceptionable. The hon. Gentleman has referred to what has occurred in Dublin, with respect to the information sworn by Mr. B. Hughes; but with the single exception of a mistake about the presence of Mr. Barrett at a particular meeting, not one point of his evidence was shaken in the slightest degree. Excepting the mistake with reference to the presence of Mr. Barrett at one of two meetings which were held, I think, at a particular place on the same day, though Mr. Hughes was subjected to the closest cross-examination, no portion of his testimony was shaken; nothing was wrong in his statement except that one particular in which he fell into an error. But the fact of the presence of Mr. Barrett at those meetings—and my hon. Friend the Attorney General will correct me if I am wrong—did not rest singly on the evidence of Mr. B. Hughes; there was the evidence of other witnesses, who clearly proved that on one occasion at least Mr. Barrett was present at a meeting specified in the indictment. Now, with respect to Mr. Ross, I will tell the House exactly what occurred. The first occasion on which the Government thought fit to send a shorthand-writer to Ireland was in the month of June, I think. I avow at once that I have known Mr. Ross for many years. I know him to be a most accurate reporter. I believe him to be a trustworthy and honourable man; and, knowing him to be such, I, on my own responsibility, sent for Mr. Ross and told him that it was desirable that a shorthand-writer should proceed to Ireland for the purpose of attending at a particular meeting to be held at Donnybrook. My directions to him were—"You will proceed thither; you will take accurate notes of what is said, and be prepared to verify upon oath your report of the speeches you hear." I think the pecuniary arrangement was made that he should receive 50*l.* and the payment of his expenses. Mr. Ross did proceed to Ireland, he attended that meeting, and he furnished a *verbatim* report of the proceedings. Subsequently, towards the end of the Session of Parliament, before Mr. Hughes was sent, a further arrangement was made with Mr. Ross, that he should proceed to Ireland and remain there during the whole of the recess, from the first or second week in August, I think, until the first week in February, and for his services during that period he was to receive the sum of 350*l.* Now, it will appear, when the return of the payments made to Mr. Gurney is presented, that the rate of payment to Mr. Ross was considerably less than that made to Mr. Bond Hughes and others employed in Mr. Gurney's establishment. But the accusation made by the hon. Member for Finsbury is, that Mr. Ross was sent by me to Ireland as a spy. I, in the most solemn and positive manner, deny that accusation. My instructions to Mr. Ross were to go to Ireland and avow himself to be a reporter for the Government. I knew that at that time he was connected as a reporter with one of the morning papers, the *Morning Chronicle*, I believe; and subsequently I was aware that at the end of the Session he was connected with the *Standard;* but my instructions were, "You will proceed to Ireland as the reporter for the Government." I did not sanction any concealment whatever of his avowed mission for that purpose; and I believe I may say, even after all the hon. Gentleman has stated, that it was well and perfectly known in Ireland that Mr. Ross was employed as a Government reporter. I understood the hon. Gentleman to say, that Mr. Ross concealed the fact, that he was a Government reporter, that he travelled with Mr. Steele and other parties forty-two miles, they not being aware that he was a Government reporter —that, in point of fact, he was employed as a spy for the Government. Now, that I absolutely and positively deny. [Mr. *T. Duncombe:* It is his own evidence.] Any concealment used by Mr. Ross was not in obedience to my instructions. I am ready to produce an account of all monies paid to Mr. Charles Ross and Mr. Bond Hughes, and the instructions given to them, which I have already said were verbal. But I, on my own responsibility, for the satisfaction of the hon. Gentleman, will state the terms of the instructions. I will put them in an authentic form and lay them on the Table. With regard to the case of Mr. Jackson, with him neither directly nor indirectly have I had any communication. It appears that he was a reporter employed by the *Morning Herald*, and resident in Dublin, and the Crown Solicitor in Dublin, as was his bounden duty, in seeking evidence to corroborate the testimony of Mr. Hughes and Mr. Ross, ascertained that Mr. Jackson had taken notes at some of these meetings at which language had been used which was about to be questioned in a Court of Justice, and he communicated with Mr. Jackson, and with the editor or conductor of the *Morning Herald*, in whose service Mr. Jackson was. A return shall be made of all the law expenses incurred in this prosecution on the part of the Crown Solicitor, and by that return it will appear what money was paid to Mr. Jackson. I must again declare, that excepting by the

Crown Solicitor, on the part of the Government, there has been no communication directly or indirectly with Mr. Jackson. [Mr. *T. Duncombe*: Nor with the *Morning Herald*.] I will state what communication was made to that Journal. I do not disavow this. The House must determine whether, in a case of this description, when everything turned upon the strict proof of the language which had been used, it was not the duty of Her Majesty's Government to have clear and irrefragable evidence, and to put the words used beyond all question by obtaining corroborative testimony, provided always that it was obtained openly and honestly. I frankly avow then, that a communication was made to the proprietors of the *Morning Herald* and *Standard* to allow the corroboration to be obtained by means of the reports made to them, of the speeches delivered at the meeting and about to be brought into question. It was necessary that corroborative testimony should be obtained of the short-hand notes of the reporters employed by Government; and I say it was the duty of the Government to obtain that evidence. I have told the House, on the part of the Government, that I am prepared to assent to a portion of this Motion. I am prepared to make a return of all monies paid, of all instructions given; and shall add, either now or on some future occasion, a return of the rate of payment to the reporters employed in Mr. Gurney's establishment, both in Ireland and in Wales, on similar occasions. But I now come to a portion of the Motion which I feel it to be my duty most decidedly to resist. I must oppose the last two returns. The right hon. Gentleman made an insinuation not to be misunderstood, that either the *Morning Herald* or the *Standard*, or even both of them, had received a sum of money from Her Majesty's Government,—that some corrupt practices had taken place between them and Her Majesty's Government. Now, in the most solemn manner, as a gentleman, I deny the truth of that statement; and I do maintain, that the hon. Gentleman has no right, in the shape of a Motion for a return, to make so base an insinuation. I might as well make a Motion for an account of the money obtained by any Member of this House for a vote which he has given. This species of insinuation is calculated to convey an indelible stain. I say the gentlemen connected with the public papers are gentlemen of high and honourable feeling. I will not use the same expressions as the hon. Gentleman—though I might—and say that it is dirty and dishonourable to convey a contrary insinuation; but I do say it is unworthy of any Member of this House to do so. I am quite resolved, therefore, to take the opinion of the House against that part of the resolution. I am aware I give the hon. Gentleman an advantage, of which, perhaps, he will not be slow to avail himself, and because I refuse the return he will repeat the insinuation with double effect; but, I again assert, in the most solemn manner I can use in this House, that there is not the slightest foundation for the aspersion of the hon. Gentleman. So, with regard to the last return, the names of the persons now employed by Mr. Gurney for the purpose of taking notes of the present proceedings at the Corn Exchange in Dublin—after the experience we have had of the posting of Mr. Bond Hughes as a spy, I am not prepared to hold up those persons to public execration, and, possibly, to place them in danger of sustaining personal injury. [Mr. *T. Duncombe*: Not the names of those employed at the Trial.] The words of this part of the hon. Gentleman's Motion are,

> "Also the name or names of the short-hand writers appointed to furnish the Government report of the proceedings at the Trial of 'The Queen against O'Connell and others.'"

Well, but I say those persons are still employed by Mr. Gurney; they are still attending meetings at the Corn Exchange, and I am not prepared to hold them up to public resentment, and probably to popular fury—I shall oppose therefore this part of the hon. Gentleman's Motion. But before I sit down I will just observe, that it is, in these times, no easy task to insure public justice against great offenders without incurring some public obloquy. I have thought it my painful duty to risk the incurring of such obloquy; but it is my pride and satisfaction to know that, upon the whole, I have succeeded in administering the law without asking for any extraordinary powers; putting down dangerous turbulence in England, and bringing to condign punishment great public offenders in Ireland. I have faithfully and honourably, I trust, pursued the path of duty, and I am not to be deterred by any taunts or attacks of the hon. Member. I will remind the House, that the hon. Gentleman has, in his accustomed manner, given his own account of the proceedings. At one time he attacks the Judges, at another the humblest officer of the law—the parish constable; sometimes he appears as the advocate of his friend, the doctor, who is now an outlaw and who spouted sedition from the pump at Deptford; sometimes he attacks the public prosecutor, at others the jury; nay even the witnesses, are the objects of his attacks. Upon the whole, the hon. Gentleman has a most morbid sensibility, which is excited on behalf of political offenders; he has, as it were, an instinctive dread of political trials, and he wishes to bespatter everybody who—as it would seem, to his great terror—has been instrumental in causing justice at last to overtake those who violate the law. I wish him joy if that line of conduct recommends him to any portion of the community out of this House; but my appeal is to the majority in this House. [*Cheers from the Opposition.*] To this majority, I say, on both sides of this House. Yes, I see ranged opposite to me, not without some preparation, a strong muster of the party opposed to the Government. We have made no such preparation. But still I am very confident, of the success of an appeal to the sense, the good feeling, and the judgment of this House. I am convinced that the hon. Gentleman will not succeed in his Motion.

Lord *J. Russell:* Sir, I certainly have made no preparation for taking part either in this debate or in the division upon the Motion; nor is it my intention to address the House otherwise than I think myself called upon in consequence of one part of the observations of the right hon. Gentleman. He says he believes it to have been the practice of those concerned in the Executive department of this country, so far as the Home Department is concerned, to send persons in an excited state of the country to obtain correct reports of what passes at public meetings. I must say at once, and I should be wrong if I were to declare what I should consider to be my duty, if there were an excited state of the public mind either in England or Ireland, if large meetings were held, and if it appeared, by reading the reports in the newspapers, that what passed at those meetings had anything of a seditious or dangerous tendency, I should consider it my duty if I were in office to send persons to obtain correct reports of the proceedings. I do not know that I should do it in any other way than the right hon. Gentleman says he took, namely, by applying to Mr. Gurney, the short-hand writer, to ask him to name some person in whom confidence could be placed, and sending that person to the meetings, in order that he might take accurate notes of the proceedings. I should then be enabled to judge—consulting others, of course, and more especially the Law Officers of the Crown,—as to whether the language used, and the tendency of it, were such as to make it necessary to institute proceedings; and allow me to say, that I do not think there would be any security for the country if the Executive Government did not act so. Is it possible to allow that there shall be in all the newspapers of the country reports of meetings, at which language—I am supposing a case, I am not taking any particular case,—language of the most seditious, of the most disloyal, of the most revolutionary kind shall be used, and that be known, not only to the meeting to which it was addressed, but to the whole country—is it possible, I say, to allow all this, and that the Government alone should have no means of ascertaining and verifying the fact of such language being used? I should think the country would be placed in great danger if the Minister neglected his duty so much. I say, therefore, at once, it was the duty of the right hon. Gentleman to take the course he took; and I maintain, leaving it to his responsibility with respect to the meetings in Ireland, that it was his duty to ascertain correctly what language was used at those meetings. I know, that on a former occasion, persons have been employed in that avocation; when it has been the case, as it appears at present, that short-hand writers have been so employed and regularly paid a salary for their services, I know that a person so engaged has been termed a spy. But nothing can be more different. I understand a spy to be a person employed to act in secret, a person who goes, not to public meetings, but to the secret councils of discontented or disaffected persons,—a person who watches the language used at those secret meetings. The obvious danger of employing such persons is, that they not only may report beyond the truth, but they may excite that very disaffection, and sedition, and treason, they were employed to counteract. But a person who goes, executing fairly and faithfully the commands he has received, to take down a report of what passes at a public meeting, excites no one, he instigates no one to the commission of any crime. He merely observes what he sees, and takes down accurately the words he hears. How can people complain that a public meeting, held professedly to consider their grievances, should be attended by reporters for such a purpose? What right have they to complain of persons taking down their words and observing their conduct? But the right hon. Gentleman proceeded to the other part of his conduct, upon which I certainly should not be so willing, because I am not able, to give an opinion. He referred to the corroboration which he had required from the reporters and writers of certain newspapers. If that was merely asking that they who had taken down reports of these proceedings should appear at the trial and should give their evidence of what they had taken down, in order to verify what had been taken down by the Government reporters, I own I cannot see that there is matter for blame in that case. Whether or not the credit of a newspaper may be injured from its being known that their reporters are in the habit of assisting Government in State prosecutions—that is a matter for the consideration of the proprietors of such newspapers—that is a question of newspaper policy—a matter of newspaper morality. It is a question with which, I think, the Government has no concern. The right hon. Gentleman was not to consider the interests of the newspaper proprietors in the matter; but merely to ask whether or not they were prepared to corroborate the testimony of other witnesses. I must say, however, that the validity of his defence upon this point, with regard to Mr. C. Ross, depends upon the correctness with which Mr. C. Ross observed his instructions. If Mr. Ross said openly he was to make his report to the Government department, either in Ireland or in England, and if he did not conceal his character of Government reporter, why, then, the instructions given him were proper instructions, and properly carried into effect; but if, on the contrary, Mr. Charles Ross had concealed his character as a Government reporter, and if he had thus wormed himself into the councils and the projects of those engaged in the repeal agitation, then there can not be a doubt but the right hon. Gentleman himself must see that some injury has been done, and that his instructions have not been properly carried out. I rose for the purpose, and no other, of stating what I should consider it to be my duty, had I been employed in the service of the Crown, and having done that I should now sit down; but the right hon. Gentleman indulged in a taunt, which had been addressed to him, in that House, and he could not forbear from alluding to it. It was, when the right hon. Gentleman spoke of a "compact alliance," which, he says, has been made with Mr. O'Connell, and wishes me joy of it. Sir, I am perfectly aware of the effect that was produced during the existence of the late Government, by the constant reiteration of Mr. O'Connell being the director of the proceedings, and the disposer of the patronage of that Government, and how much injury was produced by that entirely unfounded slander. Although I may suffer—although the statement of the right hon. Gentleman of a "compact alliance" between Mr. O'Connell and myself has no foundation—yet, Sir, I will never shrink, if I see Mr. O'Connell or any one else—if I see Mr. O'Connell, or some one who has done less for the country to which he belongs—some one who has less talent than Mr. O'Connell—some one who is in a more humble situation in life than Mr. O'Connell—yet, whatever obloquy it may expose me to, I will never shrink from declaring that which I think, when it is my opinion that that person has not had a fair trial. No obloquy which the right hon. Gentleman may cast upon me—no obloquy which the right hon. Gentleman's party can cast upon me, shall deter me from doing my duty—nor from stating that which is my belief—nor what is my sense of the right hon. Gentleman's proceedings with respect to that trial. My belief is, that if the same offence had been committed in this country—supposing the Attorney General here had pursued a somewhat similar course to that adopted in Ireland—my opinion, I say, is, that there would have been a different charge from the judge, and a different verdict from the jury. That, Sir, is my opinion, and I say that be the persons brought to trial who they may, never will I cease to endeavour to obtain for the people of Ireland the full enjoyment of all those rights and all those privileges of which the people of England are so justly proud.

Mr. *T. Duncombe* wished to be permitted to say a few words, though he was not strictly entitled to reply. He wished to set the right hon. Gentleman right on one or two points. He had never accused the Government of employing spies, when a reporter attended on their behalf, and avowed what was his object at a public meeting. He had never connected the name of Mr. Bond Hughes with that of a spy. Mr. Hughes had attended public meetings, he acknowledged himself as a Government reporter, and at those meetings Mr. Bond Hughes declared that he was received there with every courtesy, and that every facility was given to him to report the proceedings of the meetings. He believed that such would be the case at any public meeting to which the Government might send a reporter, if the reporter only said that he came from the Government, and avowed the character in which he appeared. He believed that no objection would be felt against such a reporter attending—he considered that no objection ought to be felt against his attending; but, on the contrary, that every encouragement should be given to such persons, as it was sure means of making the grievances of the country known to the Government. To come, however, to Mr. Charles Ross, he was not in the same position with Mr. Bond Hughes; and when the right hon. Gentleman thought of employing Mr. Ross, it must have been perfectly well known to him that Mr. Ross was the servant of the *Morning Chronicle*—that he was in the pay of the *Morning Chronicle*. He must have known that Mr. Ross was employed in the opposite interest, and then to take such a person—to send him on a secret mission of this sort, it was for the right hon. Gentleman, if he could, to reconcile that to himself. The right hon. Gentleman, no doubt, before he did this, wrote to the proprietors of the *Morning Chronicle* to say, "I am about to employ one of your servants on a mission of the Government." Then, the right hon. Gentleman says he gave Mr. Charles Ross certain instructions. Did Mr. Ross obey those instructions? Mr. Ross was examined on the trial, and he was asked if, when he went to the meetings, he had given any notice of his being an agent or reporter of the Government? How was that question answered? With the words "Certainly not." Well, then, he said this was acting as a spy. He really thought that the right hon. Gentleman ought to attend to what had been said by his *protegé*. Mr. Ross was asked if he had communicated to the agent of the *Morning Chronicle*, that he was deputed by the Government to attend? To this his answer was, "Certainly not." Here, then, was another part of his examination. He said that he found no difficulty in getting a place on the platform—that he got in through the means of a Gentleman connected with the *Dublin Evening Post*, who thought that Mr. Ross was in the same interest with himself. He afterwards stated he was in the service of the *Standard*. He was then asked the question—"Did you apprise the *Standard* that you were employed by the Government?" Answer—"Certainly not." This, then, was the person that the Government had employed as their agent. He was the agent of the right hon. the Attorney General for Ireland and the right hon. Baronet. This man, he said, so acting, came under the description of a spy. The right hon. Gentleman might say that such a person was trustworthy; but he left it to the country whether such conduct was honourable—whether it was becoming, that he should have undertaken a duty and not avow it. He affirmed that it never was known in the country that Ross was a Government reporter until he was called to be examined as a witness. And now with respect to the *Morning Herald* and the *Standard* he wished to observe that he had never said one word against Mr. Jackson. On the contrary, he thought that the conduct of Mr. Jackson reflected great credit upon him; for he felt ashamed of the duty that had been imposed upon him. At the close of the examination, Mr. Jackson said, "So help me God, I was not aware of my notes having been given up." Mr. Jackson was compromised by no act of his own. It appeared from the statements of the right hon. Baronet, that he had applied to the *Morning Herald* and *Standard* for assistance to carry on his prosecution, and the right hon. Baronet now told him he should not have the Return he had moved for as to what money had been paid. When the right hon. Baronet gave it in the case of Mr. Ross, who was in the employment of the *Standard*, why refuse it with respect to others? Mr. Ross, in his evidence, says, "I would not have taken 50,000*l.* to come over, unless I had come in the capacity of a newspaper reporter." He afterwards said he might run the risk of being a Government agent for 100,000*l.*, and then lowered it to 75,000*l.*; but by Ross's own confession, they had the fact acknowledged that he was not known to the Irish people but as the reporter of a newspaper, when he was, in truth, the agent of the right hon. Baronet. The right hon. Baronet had alluded to a meeting, at which he was present, and that had reference to the proposition of the hon. Member for Rochdale for stopping the Supplies. That meeting had come to the resolution that they had perfect confidence in him either in stopping or granting the Supplies. [*Laughter.*] The right hon. Gentleman, the Chancellor of the Exchequer, seemed delighted with the idea, for the right hon. Gentleman knew that he was one who had no objection to granting the Supplies. His Motion that day had no reference to the Supplies, and it was uncandid of the right hon. Gentleman to make the assertion, because he knew that it had nothing to do with that subject. Notwithstanding the taunts of the right hon. Baronet—and he must say it was a bad vindication of the Government when the right hon. Gentleman had recourse to old stories—still he was determined to proceed, and whether it were a Judge, a Jury, a Public Prosecutor, or the right hon. Baronet who were mixed up with acts of oppression, he was resolved to submit such acts to the consideration of that House, as long as he had the honour of a seat in it.

Mr. *R. M. Bellew* remarked, that on this occasion the right hon. Baronet had repeated a statement which had been made before, and to which a full answer had been given, namely, that placards had been circulated, describing Mr. Bond Hughes as a spy and informer. When did that proceeding take place? When Mr. Bond Hughes appeared to have been really guilty of perjury, swearing that to be a fact which was known not to be true. But what was Mr. Bond Hughes's own statement? That he went to Mr. Kemmis's, and to Mr. Kemmis's clerk to explain the mistake—that he did explain that mistake in vain to them—that what he had done was for the purpose of easing his own conscience which they had never disclosed. And now the right hon. Gentleman repeated his statement, whilst he lost sight of this fact with respect to Mr. Bond Hughes. And now, with reference to the conduct of the Crown Solicitor, it was one to which no explanation up to that moment had been given. He now called upon the Irish Attorney General to give an explanation of that transaction. It was certainly a very gross transaction. A witness deposed to a circumstance which he afterwards ascertained to be false. He told the Crown Solicitor of that fact, and yet, not only had the Crown Solicitor a warrant issued upon the false allegation, but he never allowed the matter to be corrected, and permitted a gentleman for a considerable time to remain under the imputation of having committed perjury. This was the Crown Solicitor's conduct, and up to that time there had been no explanation given of it. It was one of the many proceedings which had produced the impression that from the beginning to the end of those proceedings, there had not been fair play; and however large might be the majority for Ministers in that House, he said that this impression must remain in the minds of the people of Ireland.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 144; Noes 73: Majority 71.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Bruce, Lord E.
Buck, L. W.
Bunbury, T.
Burrell, Sir C. M.
Cardwell, E.
Chapman, A.
Charteris, hon. F.
Chetwode, Sir J.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Copeland, Ald.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fitzmaurice, hn. W.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.

Greene, T.
Gregory, W. H.
Grogan, E.
Hamilton, G. A.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J,
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Hussey, T.
Irton, S.
Irving, J.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Kemble, H.
Knatchbull,rt.hn.SirE
Knight, H. G.
Lascelles, hon. W. S.
Law, hon. C. E.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Masterman, J.
Milnes, R. M.
Mundy, E. M.
Neville, R.
Nicholl, rt. hon. J.
O'Brien, A. S.
Oswald, A.
Packe, C.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Reid, Sir J. R.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Rous, hon. Capt.
Rushbrooke, Col.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H.
Shirley, E. P.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Tomline, G.
Trotter, J.
Wall, C. B.
Wellesley, Lord C.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, Sir H. W.
Berkeley, hon. C.
Berkeley, hon. H. F.
Bernal, R.
Bernal, Capt.
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bowring, Dr.
Bright, J.
Brotherton, J.
Browne, hon. W.
Buller, C.
Busfeild, W.
Butler, hon. Col.
Byng, rt. hon. G. S.
Carew, hon. R. S.
Cave, hon. R. O.
Cobden, R.
Colborne, hn. W.N.R.
Collett, J.
Crawford, W. S.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
Duff, J.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Ellice, E.
Elphinstone, H.
Fielden, J.
Gore, hon. R.
Hastie, A.
Hay, Sir A. L.
Hill, Lord M.
Horsman, E.
Layard, Capt.
Marjoribanks, S.
Martin, J.
Mitchell, T. A.
Morris, D.
Murphy, F. S.
O'Connell, M.
O'Ferrall, R. M.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Ricardo, J. L.
Roche, E. B.
Scholefield, J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Villiers, hon. C.
Wakley, T.
Wallace, R.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wyse, T.
Yorke, H. R.

TELLERS.
Duncombe, T.
Bellew. J.

Order of the Day read.

On the Motion that the Speaker do leave the Chair—

REFORM OF THE REPRESENTATION—STOPPING THE SUPPLIES.] Mr. *S. Crawford* rose to move the amendment of which he had given notice :—

"That the several Petitions which had been received and laid on the Table of this House since the commencement of the Session, complaining that this House is not a true representation of the people, be referred to a Select Committee to inquire into the said allegation; and that the further consideration of the Estimates be postponed till such Committee shall report thereon."

The House was aware, the hon. Member said, that many such petitions had been presented, and that up to that moment no notice had been taken of the allegations which they contained. He would beg particularly to draw the attention of hon. Gentlemen to one petition which had been presented from Birmingham, agreed to at a public meeting, and signed by the Mayor, the allegations of which were most remarkable and striking, and yet the Committee on public petitions had not thought proper to print it. The petition to which he referred alleged, in the first place, that the House of Commons as at present constituted, did not represent the people: secondly, that it did not possess the confidence of the country; thirdly, that a large number of the Members of which it was composed had obtained their seats by the most disgraceful bribery and corruption; fourthly, that its proceedings were for the most part influenced by selfish and party motives, rather than by considerations of justice and a due regard to the wants and interests of the people; and further, that the House systematically disregarded the wishes of the people, and legislated in utter recklessness of their welfare. Now, his proposition was, that a Select Committee should be appointed to inquire into the allegations contained in this and the other petitions of the same nature, before they proceeded further in voting the Estimates. He thought, under the circumstances, the House could not claim to represent the feelings and opinions of the country, or if they thought they did, why did they not at once declare that the allegations contained in the petitions were unfounded? He was not now contending for the extension of the Franchise, which he thought ought to be conceded, but he would put it to the House whether some improvement in the representation of the people ought not to take place? If the people had no respect for the Legislature by whom the laws were made, how could they be expected to respect the laws? Thus it was that the country could only be kept under by the maintenance of a large military force. They must maintain the Government either by the respect of the people for the laws, or by a large military force. When he brought forward his proposition on a former evening for postponing the Supplies until the grievances of the people should be considered, it was objected by his hon. Friend the Member for Nottingham (Mr. Gisborne), that his Motion was not sufficiently specific. He hoped the Motion he was now submitting would be considered sufficiently distinct in its object to satisfy his hon. Friend, and that it would have the advantage of his support. He had, however, some ground, he thought, for being surprised at the objection which had been expressed by the hon. Member for Finsbury (Mr. T. Duncombe) to the course he had taken, because that hon. Member had himself proposed that the grievances of the people should be considered before voting the Supplies. That was the constitutional principle for which he was now contending. He was not seeking to delay the business of the House by adjournments, and it was far from his intention vexatiously to persevere in a course which had not some reasonable ground of success. There was no man from whom he had expected more cordial support than the hon. Member for Finsbury, and yet in the very outset the hon. Member for Finsbury had disclaimed all sympathy with the Motion. It was his intention to take the sense of the House upon his Amendment, which the hon. Member concluded by moving.

Mr. *Blewitt* seconded the Amendment, feeling convinced that it was fully justified under the present circumstances of the country. He had himself presented petitions to this House, denying that the people had any confidence in their present Representatives, and every day's experience tended to confirm him in the opinion that they legislated in that House for themselves. It was but the other day that they had passed a law to exempt certain hon. Members and noble Lords from penalties which they had incurred, and this was done upon the ground of ignorance of the law. He should like to know how far the plea of ignorance of the law would avail any wretched individual who might be charged with—he would not say a crime—but with an infringement of the law? Would his ignorance of the law diminish his punishment one atom? The people saw that the legislation of that House was carried on for the purpose of depriving the people of their bread, and putting money into the pockets of the landlords. He would ask the House to permit him to refer to the opinion of an American writer, which was extremely apposite to the occasion.

"To a man (the hon. Member read) who looks with sympathy and brotherly regard on the mass of the people—who is deeply interested in the 'lower classes,' England presents much which is repulsive. Though a Monarchy in name, she is an aristocracy in fact; and an aristocratical caste, however adorned by private virtue, can hardly help sinking an infinite chasm between itself and the multitude of men. A privileged order possessing the chief power of the State, cannot but rule in the spirit of an order, cannot respect the mass of the people; cannot but feel that for them government chiefly exists and ought to be administered; and that for them the nobleman holds is rank as a trust. The condition of the lower orders at the present moment is a mournful commentary on English institutions and civilization. The multitude are depressed in that country to a degree of ignorance, want, and misery, which must touch every heart not made of stone. In the civilized world there are few sadder spectacles than the contrast now presented in Great Britain, of unbounded wealth and luxury with the starvation of thousands and tens of thousands, crowded into cellars and dens without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighbourhood and presence of stately mansions which ring with gaiety and dazzle with pomp and unbounded profusion, shock us as no other wretchedness does. It is a striking fact, that the private charity of England, though almost incredible, makes little impression on this mass of misery—thus teaching the rich and titled to be just before being generous, and not to look to private munificence as a remedy for the evils of selfish institutions."

The hon. Member concluded by saying that he was much obliged to the House for its attention.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 91; Noes 15: Majority 76.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Arkwright, G.
Baillie, Col.
Baillie, H. J.
Barnard, E. G.
Barrington, Visct.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Cave hon. R. O.
Chetwode, Sir J.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, right hon. H.
Cripps, W.
Damer, hon. Col.
Denison, E. B.
Dickinson, F.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fitzmaurice, hon. W.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Hamilton, G. A.
Hay, Sir A. L.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hope hon. C.
Hornby, J.
Hussey, T.
Irton, S.
Kemble, H.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lygon, hon. Gen.
Mc Geachy, F. A.
Maclean, D.
Mc Neill, D.
Mitchell, T. A.
Morris, D.
Mundy, E. M.
Nicholl, rt. hn. J.
O'Brien, A. S.
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Richards, R.
Sanderson, R.
Sandon, Visct.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Trelawny, J. S.
Trotter, J.
Wellesley, Lord C.
Wortley, hon. J. S.
Yorke, hon. E. T.
Yorke, H. R.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Bright, J.
Cobden, R.
Duncan, G.
Duncombe, T.
O'Connell, M.
Plumridge, Capt.
Scholefield, J.
Villiers, hon. C.
Wakley, T.
Wawn, J. T.
Williams, W.

TELLERS.

Crawford, S.
Fielden, J.

House in Committee of

SUPPLY—NAVY ESTIMATES.] On the Question that a sum not exceeding 544,960*l*. be granted to Her Majesty to defray the Expense of victualling Her Majesty's Navy and Marines,

Dr. *Bowring* said, he thought when the House was called upon to vote more than half a million of money in one sum, they had a right to expect more detailed information of the manner in which it was to be expended than was furnished in their estimates. The different articles required and their cost should be stated.

Captain *Pechell* said, that before he should agree to this grant he was desirous of having some explanation from the gallant Admiral opposite on the part of the Board of Admiralty, with reference to a few points connected with the Naval service. First, he wished to know if, in the local newspapers it was true, that Naval officers and the ships of Her Majesty's Navy were employed on the West coast of Ireland, in the enforcement of the Poor-rates, and in compelling Boards of Guardians to make a second rate before the first was collected. This was said to have taken place at Westport; and it was also stated, that the Earl of Lucan, chairman of the Board of Guardians at Castlebar said, that he would encourage every resistance to a second rate. The hon. and gallant Member read extracts from Castlebar and Galway newspapers, to the effect, that Poor-rate collectors had been regularly embarked, with policemen, as protectors, on board Her Majesty's war-steamers; and only a storm had, by the sea-sickness it occasioned among the land-lubbers, prevented the disagreeable consequences that might have ensued from such unseemly attempts to coerce the collection of rates by the means of thirty-six pounders. But for the "flag of truce," which had been hung out between himself and the right hon. Gentleman at the Home Office, he should certainly dwell upon this discreditable appropriation of our gallant Naval forces to so distasteful a service; as it was, he would only observe, that when the right hon. Gentleman contemplated the extension of his system into districts at present free from Somerset House despotism, he should consider the inconveniences which might result from having to enforce his scheme by the employment of war-steamers on the English coast. He would now come to another subject, the equipment of our war-steamers; and he must say he thought there had been great neglect in applying the principle of the Archimedean screw, which had not had a fair trial; because if it had, he was satisfied it could have been adopted with the greatest safety and success. The Rattler steamer had been set apart for trying experiments with that screw, but he believed she was employed in trying the experiments of Mr. Brunel and other parties, to the detriment of Mr. Smith. They had ample proof of the superiority of the Archimedean screw, because the French steamer Archimede, commanded by the Prince de Joinville, which accompanied Her Majesty from Treport, had beaten all the other vessels of the squadron, except the Royal yacht. Then, again, he wished to know what was to be done with respect to the Great Britain, that had been built in dock, at Bristol, and when she was finished it was discovered that the dock entrance was so small she could not be got out. There she was caught in a mouse-trap. He believed the present was the most convenient time to call the attention of the Committee to the grievances of naval officers, and he would refer, in the first place, to the Masters. The rank of lieutenant was nominally open to them, but they seldom had it conferred upon them; and felt serious dissatisfaction when they found young gentlemen put over the heads of men who had, perhaps, commanded vessels when the youngsters were unborn. He must mention, however, with great approbation, the promotion of one, the master of the Nemesis, Mr. Hall, who had been engaged in our Chinese operations. That promotion certainly did high honour to the Admiralty and great credit to the service. The clerks, he considered, had not justice done to their merits, for they were doomed to all the hardest work, and had not the honours of the commission opened to them, having nothing to look to but a pursership. When a gallant officer was acting Lord of the Admiralty, matters in these respects should be improved. He could not help alluding to the case of one who had served with him on board a brig under the gallant Officer during the last American war, and who was now no higher than a secretary at Woolwich, where he got hard work on only 150*l.* a year. He condemned the plan of discharging the boys from the Navy, after the term of their apprenticeship had expired, and he thought some regulations ought to be adopted for their re-entry. When there was some difficulty in getting good seamen, they ought to keep in the service those boys who had already acquired some knowledge of gunnery. The rule was to take no boys for the service under 98lb. weight, and he believed that the boys coming from the Gilbert Unions and unions under local acts were generally full weight; while those coming from other unions were short weight. The gallant Officer also condemned the use of the ten-gun brigs.

Sir *G. Cockburn* would endeavour to answer upon every point that had been submitted to the House. The hon. and gallant Member began his speech by finding fault with the Board, for, as it was alleged, permitting their steam-vessels to be employed in the collection of the Poor-rates. He (Sir George Cockburn) told the hon. and gallant Captain, that if he knew of his own knowledge that such was the fact, he would not contradict him. But he could assure him, that he had not heard anything on the subject, and he did not believe it. There was, no doubt, a considerable force on the western coast of Ireland, which had orders to assist and support the magistrates and civil authorities and, their presence might, therefore, have had a moral effect in enabling the civil authorities to collect the Poor rates or other dues, but he had not heard and did not believe, that any naval officer had been employed collecting Poor rates as stated by the hon. and gallant Officer [Captain *Pechell*: "No."] he (Sir G. Cockburn) appealed to the House whether the gallant Officer had not so stated. In all places on the coast of Ireland, where their ships were moored, the officers were all very well treated, and the people, who came in great numbers on board, appeared much pleased with the sight, and showed no symptoms of ill-feeling, and our officers when a-shore received every mark of respect from all classes: but inquiry should be made as to whether any officer of the Navy had so employed himself as the hon. and gallant Member had insinuated. The next point that was dwelt upon was, that in reference to the Masters. Neither the hon. and gallant Commodore (Sir C. Napier), nor the hon. and gallant Captain, could have a greater respect for this class of men than he had. He did not agree, however, in opinion with them, that the masters ought to be placed exactly in the same rank as lieutenants. The Admiralty had placed the master of a line-of-battle ship upon a higher amount of pay than the first lieutenant of the ship. The other masters were placed on exactly the same amount of pay as the other lieutenants. If they put the masters in the same situations as lieutenants, they would be doing away with that principle upon which the service had hitherto been conducted. That principle was, that these officers should pass through a certain time of servitude before they were made lieutenants, but the masters might have been in the merchant service, and from thence go into a man-of-war at once with the rank of master. He thought that this was a different line altogether to that marked out for lieutenants, and he considered that, for the good of the service, it was fitting that it should be so. The masters in the merchant service were brought up in all the hard work of seamen; most of them had served their apprenticeship. They were excellent men, and no doubt very valuable, but still, as he before said, their line was somewhat different from the other classes of the profession. They were sometimes made lieutenants and captains when they signalised themselves by some particularly gallant action, or performed some good service to the country, but these cases were the exceptions, and not the general rule. He did not, however, wish it to be supposed, that he said anything disparagingly of that class of men. He had no such intention, but, on the contrary, wished to give them every satisfaction that was in his power to obtain for them. It was at present under the consideration of the Board as to how their situation could be possibly improved. The next subject of observation from the hon. and gallant Member was the Archimedean screw. With respect to that, the Board were only anxious, before they laid out much money in its general adoption, to ascertain the fullest advantages that were to be gained from it, and the greatest improvements that could be made in it. Mr. Smith and Mr. Brunel had agreed to act together in their exertions to discover what was the best description of screw, and he hoped that some material improvements would yet be made, and it was the intention of the Admiralty on the termination of the present experiments, to test the merits of Mr. Steinman Steinman's propeller. Whichever proved to be the best, the Admiralty would adopt. The screw, as hitherto tried, was, after all, a very awkward arrangement, it occupied a large space of the body of the vessel, leaving it only connected by the keel, and consequently rendering the vessel proportionately weak. His impression, however, was, that they would arrive at the knowledge of a screw which would be better than the paddle-wheels. It was only about two or three days ago, that an officer of the Navy had called upon him and said, that he had just come from Edinburgh, where he saw a vessel of seven or eight horse power with a horizontal wheel in her bottom, which enabled her to go at the rate of about eight knots an hour. This vessel was described as a very great improvement, and he had sent down one of the chief engineers to look at it. As to the steam boats, various improvements were daily suggested, Government were trying every thing they possibly could to improve them. They saw of what great importance they must very soon become, and they were endeavouring to find out the best description for sea service, and he had no doubt, that in the event of war, we could turn out a better and a stronger fleet of steam-boats than they could on the other side of the water. With respect to the secretaries to Commodores, the gallant Officer was mistaken. In 1838, an order was made, that the clerk to the Senior Officer at Woolwich, and on the coast of Africa, should receive a salary of 150*l.* a-year each, but they were not entitled to be considered as Secretaries of Flag Officers. With respect to the particular case which the gallant Officer had mentioned, the individual in question, who, he understood, was a good officer, had written to him (Sir G. Cockburn), describing the hardship of his situation, and he (Sir G. Cockburn) proposed to appoint him as a purser, but he stated that he was so circumstanced that he could not serve again afloat, and, therefore sought only for an appointment upon the establishment of the Dockyards. He had accordingly given in his name to the First Lord of the Admiralty, with whom that patronage lay, and he hoped that he would be placed in a situation on that establishment. The next point of the gallant Officer's speech was with respect to the boys. Now these boys were allowed to enter for five years if they wished, and they were kept for that time. As to allowing them to continue permanently in the Navy, it should be recollected, that the Admiralty were tied down to a particular number of men and boys, and they could not keep the boys to the exclusion of men, particularly when they wanted men to man their ships. It was impossible for the gallant Officer to know the claims which were made upon the Admiralty from all parts of the world for ships; and, tied down as he was to a certain number of men, it was impossible to keep more boys in the service. Besides, even if he were able to do so, he was not sure that it would be the wisest course. He was one of those who, after great experience, thought that it was valuable in this country that seamen should run the tour from the Navy to merchant ships, and back again from merchant ships to men-of-war. On board men-of-war they took great pains to instruct the men in gunnery, and when men were paid off they took their turn in the merchant service, having some knowledge of gunnery. Others came into the Navy in their places, and also obtained a knowledge of gunnery, so that if a war should come they would find a large number of seamen in the merchant service possessing a competent knowledge of gunnery. There was another thing—when men went from the Navy into the merchant service, they got some hard rough work, and not so well fed and taken care of, this made them anxious to get back to the Navy; besides which this circulation of men kept up a good feeling between the Navy and the merchant service, and was rather, therefore, a benefit than otherwise. The next point was relative to captain's clerks. The case of the clerks was considered by the Naval and Military Commission of which Lord Minto and others of the then Board of Admiralty were members. But there was this difference between clerks and others—that the clerk was chosen by the captains. If a captain wanted to benefit a man, he took him on board and made him his clerk, and he was responsible to the captain, and to nobody else, and when the captain moved about, he took his clerk with him wherever he went, without asking leave of any one. Therefore, though a clerk might be a long time in the service, yet it should be recollected, that he was not brought into it originally through the Admiralty, they therefore had not quite the same claims on the public as others, but by continuing in the Service, they rose to be Pursers, Secretaries, &c. He did not recollect what was the pay of a clerk, but he knew there were no class of persons from whom he received so many applications for employment, from which it might be inferred, that their situation was not a bad one. The next point was with respect to the ten-gun brigs: he thought that those vessels had been very much maligned in that House. He had had a great number of those vessels under his orders, and had found them to be good little vessels. Those vessels were only dangerous from the inattention of those commanding them, by carrying too much sail, and when there was not a good crew of active seamen on board to take in sail quickly. He had often seen them in company with him make better weather in gales than the eighteen-gun brigs, and he knew of a ten-gun brig which sailed from Plymouth on a surveying expedition round Cape Horn, and a more violent or desperate sea could not be met anywhere. That vessel remained out for four years, and brought home the identical topmasts and top gallant-masts which she had taken out. Now, he did not think that the same could be said of any eighteen-gun brig. There had also been an instance in the China seas where a ten-gun brig withstood a typhoon, whilst an eighteen-gun brig was laid on her broadside, and nearly lost. However, although he had seen ten-gun brigs make very good weather, and had known them to be most useful, still he admitted that they were vessels he did not entirely admire, for in very few instances were they to be relied on as good sailers. They were now getting rid of them as fast as they could, and substituting vessels of a better construction, and which would sail better. He had now, he believed, answered the different points to which the gallant Officer had referred and he trusted he had shown there was no ground for the complaints that he had advanced.

Captain *Pechell* wished to explain. He had not said that the Officers of the men-of-war on the coast of Ireland actually went themselves to assist in the collection of Poor-rate, but he had stated that the ships themselves had been made offices for the collection of the rate.

Sir *C. Napier* said, that it was greatly to be regretted, that when the House was in Committee, about to vote away millions of money, there should be so thin an attendance of Members, for frequently since the House had gone into Committee, there were scarcely more than forty Members in the House. He also noticed, that whenever the House went into Committee upon the Navy Estimates, the reporters shut up their books immediately, and the country was left totally ignorant of the grounds on which millions of the public money were voted away. He denied that it was the wish of himself or his gallant Friend to throw obstacles in the way of the gallant Admiral opposite. His only motive was to benefit the Navy. There were a few points connected with the present Vote to which he wished to call attention. He thought it would be a great improvement, if, instead of paying seamen thirteen months' wages in the year, that they should be paid for twelve months, and that their wages should be raised to 2*l.* per month. This would be a small additional expense and a great benefit to the seamen. He would then go to work with the petty officers, than whom no class of men were more necessary to keep up the discipline of the Navy. He believed that the mutiny of 1797 would never have occurred, or would have been easily put down, had the petty officers at that time been better paid and better treated. He would propose that the first class of petty officers should receive double the pay of the common seamen, and that the second class should receive one-and-a-half the pay of a common seaman. He also wished that there should be an improvement in the mode of paying seaman. The sailor was allowed to draw his wages in slops and necessaries. He was generally careless, and, after returning from long service, he found often that he had drawn the greater part of his wages, and had often only a few pounds coming to him, which were not sufficient to support him until he got another ship. He thought that some change of the present system was worthy of the consideration of the gallant Admiral. He now came to the boys. It appeared that no boy would be allowed to enter who did not weigh ninety-eight pounds, and if those boys got into good ships with good officers, they were treated with the greatest kindness; their education was looked after, their moral conduct was watched over, and they were taught seamanship; but after a certain age they were dismissed. They came home at seventeen—to use a vulgar expression — "Hobble-de-hoys, neither men nor boys." These boys very often could not get ships. They came up to London, and crowded the lodging-houses frequented by their class, where they were taught every description of vice. They were taught to drink and chew tobacco—they had a fiddler to play for them and women to dance with them, and they were made adepts in every kind of vice. He thought, that whatever money it might cost, the Government was bound to take these boys on board the flag ships, and provide for them in preference to introducing new hands into the service. With respect to pensioned seamen, he thought the present Government went too far in allowing them their pension and their pay together—it would be a better arrangement to allow them increased wages, say 25*l.* a year. In his opinion, twenty-one years was too long a period for a sailor to look forward to for a pension, and it would be much better if he got a pension at the end of fourteen years' service. Relative to Masters, he thought that Lieutenants, who had not interest to get on, ought to be allowed to enter the Merchant service, in order to qualify themselves to become Masters, and he was sure that that arrangement would secure them good officers to fill the situation of Master. With respect to ten-gun brigs, nothing would convince him that they were good vessels, and he was glad they were getting rid of them. He (Commodore Napier) was glad to find that it was intended in future not to keep officers and vessels idle in port, but to send them to sea for exercise. The gallant Admiral said, they were to be sent on summer cruises, but he (Commodore Napier) hoped they would be sent on winter cruises. Summer cruises were not what made good sailors, but let them be sent in winter to cruise off the Hebrides, and there they would see what a gale of wind was.

Mr. *W. Williams* complained of the want of information regarding the details of this Vote. He thought it very hard that the rate of promotion in the Royal Marines should be so slow. He knew Officers who had been in that corps for forty years, and had attained no higher rank than that of Captain.

Mr. *Tufnell* called the attention of the Board of Admiralty to the claims of a most meritorious class of Officers in Her Majesty's dockyards, the inspectors of shipwrights. These Officers performed duties of a more responsible nature than the quarterman, having to superintend two gangs twenty men and boys each, instead of one gang of twenty-five men, who used to be under the quarterman's superintendence. The quarterman's pay was from 160*l.* to 180*l.* a year, whilst the inspector of shipwrights had only 100*l.* Their duty was to appoint the men to their work, to see that it was properly executed, and to keep the men to their tasks. When the salary was first fixed only five days' work in the week was required of them. They have now to work eight days, whilst their salary remains the same, besides which they had no allowance for working extra hours, when extraordinary exertions might be required as for docking and grounding ships. But besides the lowness of their salary, their superannuation was calculated on too reduced a scale for forty years' service —twenty as workman, ten as leading man, and ten as inspector, they were only entitled to 13-14ths of their pay as superannuation, or 32*l.* 10*s.* a year; whereas, by working for the same time in an inferior situation, they would be entitled to nearly the same amount of retirement. In some cases, he understood, they would even have less superannuation than if they had continued as working men. A shipwright who had served twenty years received a retiring allowance of 20*l.* per annum, whilst if, in addition to these twenty years, he had served anything less than fifteen years as inspector, he would only be entitled to 25*l.* per annum, or 5*l.* in addition for fourteen years' service. He brought the case of this deserving class of officers before the House in no party spirit, but solely from a sincere desire to do justice to men who discharged responsible duties for which they were ill-remunerated, and should leave the matter in the hands of his hon. Friend the Secretary of the Admiralty and the First Naval Lord in full confidence, that if, in considering the case, they agreed with him in thinking the remuneration of the inspectors inadequate, they would (notwithstanding the suggestion might come from his side of the House), rise the salary of this class of officers in proportion to the work and responsibility which were imposed upon them.

Mr. *Sidney Herbert* was not prepared to say that he agreed in the inadequacy of the salary enjoyed by the inspectors, but thought that their scale of superannuation was calculated, perhaps, on too low a basis, and would consider their case.

Vote agreed to.

On the question that a sum of 126,826*l.* to defray the Salaries of Officers and contingent Expenses in the Admiralty Offices, be granted to Her Majesty,

Captain *Rous* wished to make a few observations on the state of the Navy generally. It was part of the calculations of the Admiralty, he believed, that in case of war they could command the services of about 800 steamers in the Navy or Merchant-service, who would be able to sweep the narrow seas. Now, he should like much to know whether there were 200 officers in the Navy who had been brought up to know anything of steam-engines or machinery, or about the management of a steam-ship. At least, one-half of Her Majesty's steamers were commanded by officers who could know nothing whatever of steam machinery, and, who, consequently, instead of commanding their own ships, were the mere servants of their own engineers, and utterly incapable of seeing that any necessary evolution was properly performed. As to the complements of the sailing-vessels and their officers in manœuvring, he recollected the anecdote which had been told by the hon. and gallant Commander opposite, who said that when on the coast of Syria an evolution had been performed by the French squadron in a style so admirable that the British ships could not match it. He regretted, as a man who had been at sea for thirty years, that we should have any cause to shrink from competition with the French, a people who had been inferior to us for 500 years. Nothing could be more absurd than to employ officers to command ships who had been twenty years on shore, while young and active officers were laid on the shelf. He had said this himself to Lord Haddington, and told him that while this system was acted upon, it was impossible they could have one man fit to command a ship. He had often seen line-of-battle ships get under weigh with 500 or 600 men, in a manner so shameful and disgraceful, that it was enough to make the tears stand in a seaman's eyes. The French, owing to the great care and pains which their Government had bestowed of late years on the education and practice of the Officers, and the manning of the ships, could now get under weigh in a manner to extort the admiration of their rivals. Officers of twenty-five years standing were considered too young for employment in the British service; he remembered that, some two or three years ago, the right hon. and gallant Gentleman had told himself and the gallant Commodore opposite, that they were too young to have an opinion on a naval question. Yet the right hon. and gallant Officer had commanded a fleet before he was of his (Captain Rous's) age, and he was now fifty years old. In the navy no man was allowed to have arrived at the years of discretion until he could no longer see with his own eyes, hear with his own ears, or chew with his own teeth. He wished to say a word as to the ships which were now in process of construction, chiefly on Sir W. Symonds' principle. He would venture to prophesy that this system would share the fate of many former systems, and that the surveyor's ships, on which so many millions had been expended, would one day only be fit for firewood. In 1808, when he entered the service, the 74-gun ships of the same class as the Forty Thieves, were the best ships in the service, except the captured French 80's, of the class of the Malta, Canopus, &c. In course of time they were condemned, and became a bye-word. The 10-gun brigs were at one time considered the best and swiftest ever built, and had superseded the old 14-gun brigs. In the American war we built corvettes so narrow, that they could not stand up under canvass. The first that went to sea very nearly foundered in a gale of wind, and when the captain reported this, and added, that it was one of the severest gales of wind he had ever witnessed, the Admiralty turned round upon him, and said, "No wonder then if it was the case, for any vessel would be nearly lost in such a gale." All the Captains after this reported favourably, for it was well known that the Admiralty did not relish cold water being thrown on any of their projects. The 28-gun frigates, of 500 tons, since known as the donkey-frigates, were at one time considered as desirable ships, he had himself commanded one for four years, in which he had sailed 81,000 miles. He reported to the Admiralty that it would make a fine merchantman, but, that as a man-of-war, it was a disgrace to the country, and he found to his astonishment, that there were only two others who had reported unfavourably, because they knew that they would ruin their prospects if they did. The 18-gun brigs were famous in the service for their excellent qualities, and were converted into ships; this was known to be an Admiralty whim, and every man reported favourably of them, except Captain Dundas, son to the First Lord of the Admiralty, who wrote word back, that they had spoiled a very fine brig, and turned her into a very bad ship. This Officer was written to, both privately and publicly, by Mr. Croker, to withdraw his letter, but he insisted that he was right, and right he certainly was, for there was not a single dissentient voice in the service two years afterwards, when it was known that the Admiralty of the day no longer took any interest in them. He mentioned this in order that when they heard such flourishing accounts of Sir William Symonds' ships, and the Penelopes, they might believe as little of it as possible, unless they heard the contrary side. The fastest and finest vessel he had ever seen, was the Water-Witch, built by Mr. White, which was purchased into the service eight or nine years ago. It remained five years on the coast of Africa, and last year the Admiralty sent down to Portsmouth Dock-yard, to obtain an estimate of the expense that would be necessary to put her into a complete state of service. The surveyors surveyed her, and reported that it would cost about 6,400*l.*, he believed that was the sum, but the right hon. Gentleman would correct him if he misstated it—and that she was not a good sailer. It was supposed the Admiralty would order her to be broken up, but Mr. White, of Cowes, when he heard of the affair, sent up word to say, that he would take the contract into his hands, and complete her for exactly one-half of the estimate of the dock-yard. Why did he mention this, except in order to prove that every report from the dock-yard of ships not built by themselves, or built in a merchant's yard, was to be received with extreme suspicion, if it was not utterly worthless? There they were all combined, and many of them hated one another like poison. Many of these builders in the dock-yards to his knowledge, did so, and all joined to prevent any other person building ships for

Her Majesty's service. Every man who commanded a yacht knew that there were men in London, Liverpool, Bristol, or the Isle of Wight, who were as much superior to Sir W. Symonds, as that naval architect was to a common shipwright. He had heard every Admiralty in turn attempt to humbug the House, because there used to be nobody to find them out, but, thank God, since the peace it was not so easy to do that, on account of so many Gentlemen having yachts of their own, who had made themselves masters of the subject; so that the House could no longer be bamboozled year after year as they had been formerly. If, then, those sneaking fellows were not misleading them, the good sense of the House would rise up in judgment against the Admiralty Board. The question was, whether it was best to employ active men, who had been always at sea, and never had been laid on the shelf, or some valuable old Officers, who had been from a quarter to half a century on shore, who knew nothing about a ship, and of whom the only good that could be hoped, was, that they might have a good right-hand-man as a Lieutenant or Master, that they would invariably hold their tongues on all occasions, and that they would give very good dinners to the Lieutenants and Midshipmen, when they entertained them.

Sir *G. Cockburn* hoped, when the hon. and gallant Officer did him the honour to quote him, he might be at least quoted fairly and truly, for he would venture to say, that he never had used such an expression to the hon. and gallant Officer, or to any one else, that he was too young to give an opinion. What he did say was, that the gallant Officer had made use of an expression regarding an old and gallant Officer which he thought not very becoming. He apologised for his own age, and said that he hoped, after what had passed, the House would not refuse to hear an old Officer. With respect to the charge which the gallant Officer had thought proper to bring against the Admiralty, he could only say, that what he had stated against them generally was not more true than what he stated against him individually. He defied any Board to take more pains than they had done since they came to the Admiralty in endeavouring to improve the building of the Navy. He considered Sir W. Symonds to be a man to whom the service was very much indebted, and who had made great improvements in the build of ships, but at the same time he was free to say that he did not think his ships were perfect, and he knew that when persons took up a system, they sometimes became too exclusively attached to it; so it was felt right that some check should be kept on that valuable Officer. They had directed all the master-shipwrights to be called together at Woolwich, to endeavour to find out the best mode of building ships for strength and efficiency. He believed they had, between them, got at what appeared to him to be perfection, with regard to the principle of the construction of sterns. Three of the most talented native artists, who had gained the highest prizes in mathematics, and written the best essays, were sent back to Chatham to meet and examine the building of the ships, and they had given in a very elaborate statement, giving reasons why every ship had faults, and why perfection had not been yet obtained. They were now employing those persons to build a ship themselves, in order to show whether they could not produce the best ship in the world. The Admiralty, therefore, were not to be told that they were taking no pains to improve the Naval Architecture of the country. Great advances had been already made. The Vernon frigate, it should be remembered, was nearly of the same tonnage as the Victory, which had been the flag ship in some of our largest naval battles. All classes had advanced; he remembered that even the twenty-eight gun frigates were thought most desirable ships; when he went to sea first, they were looked upon to be almost perfection. There was the little frigate Dido, with twenty-six nine-pounders, which went alongside of one of the largest French frigates and captured her, under the command of Sir H. Blackwood. The gallant commodore had said that the French fleet on the Syrian coast got under weigh in a manner so brilliant, that the British could not imitate them. But, *per contra*, he (Sir G. Cockburn) had been told by the captain of the Asia, that being under the lee of the land with three or four French ships in a heavy gale of wind, the British ship was the only one which stood it out. He believed that if we had a French squadron off Brest in a gale of wind, and an English squadron after it, the gallant Captain would soon find there were some officers in the Navy who knew their business. It was very easy to get up in the House and say that our officers were unskilled or unpractised, but he would undertake to say, that when occasion arose it would be found that there was as much zeal and ardency as during the war, though there could not well be the same extent of practice, when three-fourths of the officers were on half-pay. He entertained not the smallest doubt that they would manifest as great superiority over other nations as they had ever done.

Rear-Admiral *Dundas* said, it ought not to go abroad that there was anything like failing in our officers or our men. On the contrary he would say, that having known the Navy forty-years, he had never known it in a better condition. The men were better educated, better fed, with much less punishment than formerly, and better exercised at the guns. He said, therefore, there were just as good fish in the sea as ever came out of it.

Captain *Pechell*, after expressing his regret that the French fleet should have been praised at the expense of the English Navy, said he was glad to hear the hon. and gallant Officer opposite, Captain Rous, state his opinions in the independent manner he had. It was a good example to naval Officers on the other side of the House. The hon. and gallant Member then proceeded to praise the qualities of the Waterwitch, and to express his approval of the vessels now building. He had not understood the hon. and gallant Officer opposite to impugn those, but to allude to a previous date, when vessels were built which could neither be put alongside an enemy, nor were able to run away from one. The hon. and gallant Admiral appeared offended at the report of the Shipwreck Committee, but he assured him that it was of no use for any individual Lord of the Admiralty to stand up in defence of such ships as were there alluded to, for the country at large disapproved of them. There was a disgraceful instance of a ship of war being in such a condition that she was actually taken by a pirate, and the crew murdered. With respect to the experiments now making with the Archimedean screw in the Rattler, he felt it his duty to say that the experiments were now making by Mr. Brunel over Mr. Smith, who was the inventor of the screw, and the consequence was, that the vessel sailed nearly a knot less every time she was tried. While the vessel made ten knots under Mr. Smith, she now only made eight. This was not fair, and was calculated to be highly injurious to Mr. Smith, who would have the discredit of the failure, and he thought that this explanation was due to that Gentleman. The Members of the Board of Admiralty received their half-pay, while the other officers holding offices of emolument under the Crown, or on foreign service, or in holy orders, had not the like privilege. He had no objection to the hon. and gallant Admiral receiving his half-pay, but let the principle be fairly carried out. There was the Lieutenant Governor of Greenwich Hospital, Sir James Gordon, a gallant Officer who had served his country, and was now going about with a wooden leg; he could not receive his half-pay, and why should he not be put on the same footing in that respect as the Governor of Chelsea Hospital? Why did not the Government apply to the Attorney and Solicitor General for their opinion, whether Sir J. Gordon could or could not legally receive his half-pay and if there was a doubt, let the gallant officer have the benefit of it. He must complain too of the manner in which the Income Tax pressed upon officers and their families. These were points which he trusted the hon. and gallant Admiral would give his attention to: they were subjects which lay Lords might not understand, but officers expected relief from those who had lived with them and sailed with them; and now there was a strong Government he hoped the hon. and gallant Admiral would attend to the suggestions he had thrown out.

Captain *Rous* explained that he had never entertained the idea that the French navy was superior to ours in anything. He had quoted a speech formerly made by the hon. and gallant Commodore. He (Captain Rous) had the most perfect confidence in the seamen and marines of the country; and if war were unfortunately to arise, he would stake his existence upon them.

Sir *C. Napier* congratulated the House and the country that naval Officers on both sides of the House, laying aside party considerations, had boldly spoken out as the hon. and gallant Officer opposite had done upon matters connected with the welfare of the navy. When he (Sir C. Napier) had brought the state of the Navy under the consideration of the

House, and was supported by the noble Lord, the Member for Staffordshire, the right hon. Baronet opposite said it was a bad thing when naval Officers combined together against the Government on naval matters; but he thought there was nothing more advantageous to the country than for naval Officers to combine together to reform and correct the deeds of every Admiralty, whether Whig or Tory. The Penelope had been represented as a splendid vessel, perfectly dry, and never shipping a drop of water, while it was notorious to all but the captain of that vessel, that so far from being dry, she was almost always under water, and, like a large porpoise, only came up once an hour to breathe. She was only fit to drown the men. The hon. and gallant Officer entered into a technical comparison of the qualities of the Penelope, the Albion, the Rodney, the Powerful, and the cost of the build of each; contending that it was useless to build ships at a vast expence carrying only six guns more than those built at a far less expense. He recommended that vessels of that class now on the stocks should be taken to pieces and begun afresh. In respect to what he had formerly said as to the evolutions of the French fleet, he repeated that their evolutions were performed in a masterly manner in fine weather. But the French ships were manned by young men. As men grew older, they grew more idle, more disposed to rest quietly at anchorage, than to exercise their ships; but if we pursued the same system as the French, and got young officers to command the ships, and young Admirals to command the fleets, we should exhibit the same activity, and there was not the least doubt we should beat them out and out. But that was not our system. At Malta, for example, there was a ship bearing an Admiral's flag who was seventy-five years of age. When it was considered that half of our young officers were brought up in the large ships lying at Portsmouth and Plymouth, could the House be surprised that the French, or the Americans or any other nations beat us? He did not blame the officers, but he blamed the Admiralty, and the constitution of the Admiralty, and he blamed the right hon. Baronet for not assenting to the very moderate proposition he (Sir Charles Napier) had made, of appropriating 15,000*l.* to enable old officers to retire. If they desired to compete with their rivals, they must do as the French did, and have young men of forty to command their fleets. Before he consented to the vote, he wished to know if the hon. and gallant Admiral had changed the opinions he had formerly expressed on the constitution of the Board of Admiralty?

Sir *George Cockburn* would not say anything about the constitution of the Board of Admiralty, which was not of his creation. While he was at the Board he would do his duty to the best of his ability, and when he was no longer of any use, he would retire. When, however, the gallant Officer said that no one, except the Captain of the Penelope, would say that she was a dry vessel, and when she was called a mere porpoise, he must refer to a letter from Sir Charles Rowley, who was at sea with her, having her under his command; and he declared that during the time she was with the squadron, there were generally heavy seas, and when she was to leeward of him he had ordered her to steam to windward against a heavy sea, and that she appeared to do so without straining, and was perfectly dry.

Admiral *Dundas* had received a private letter from Captain Jones, saying that she had completely succeeded, and was the best sea boat he ever knew.

Vote agreed to.

On the Vote of 495,656*l.* to defray the charge for Military Pensions and Allowances connected with the Navy,

Mr. *W. Williams* urged that this Vote should be postponed until further explanation were given in the printed Estimates respecting it. All that he required was, that a similar statement to that affixed to the Army Estimates should be printed with the Navy Estimates.

Mr. *S. Herbert* explained that formerly the Vote included items which were not now contained in it; if they had been, there would have been a considerable reduction this year, instead of an increase.

Sir *C. Napier* wished to draw the attention of the Admiralty to a subject he had alluded to before, namely, that if an officer lost a limb, or received a wound nearly equal to the loss of a limb, he did not get anything. He (Sir C. Napier) had had a shot wound himself in one of his legs. If he were to receive a wound in the same leg again, two inches deeper, he would be entitled to a pension: but if it were to be in the other leg, and not so deep as to make a wound equal to the loss of a limb, he should get no pension at all. He thought in future it would be fair and just, where an officer received a wound, that he should be examined by a medical man, who should report to the Admiralty what pension he ought to have.

Sir *G. Cockburn* said, that if the wound were not equal to the loss of a limb, the officer received a gratuity; but if it was equal to the loss of a limb, he got a pension.

Vote agreed to.

Several other Votes were agreed to. The House resumed. Committee to sit again.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, March 4, 1844.

MINUTES.] BILLS. *Public.*—1ª· Judicial Committee of Privy Council Bill Amendment.

Private.—2ª· Bow Brickhill Estate.

PETITIONS PRESENTED. By Earl Powis, from Dyffryn Clwyd, and 17 places, against Union of Sees of St. Asaph and Bangor; and from Bistre, for the same, and in favour of a Bishopric at Manchester.—From Nettlecombe, Treborough, and Stogumber, against Alteration of the Corn | Laws. — From Haslingden Union, against Poor Laws Amendment Act.—By the Marquess of Normanby, from Ballysax School, complaining of the Board of Charitable Donations (Ireland).

REPEAL AGITATION (IRELAND).] The Marquess of *Westmeath* wished to direct the attention of their Lordships to a statement which he made during the debate on the Motion of the noble Marquess opposite (the Marquess of Normanby). He stated on that occasion, that in a certain parish in the county of Westmeath, in Ireland, a Roman Catholic clergyman, who had since died, was suspended from the exercise of his clerical functions in consequence of his having refused to assist in the collection of the Repeal Rent, and the Agitation of the Question of a Repeal of the Union. From the statement which had been made to him (the Marquess of Westmeath) on that subject, he assumed its truth; but when the noble Marquess opposite (the Marquess of Normanby), on a former occasion in that House, read a letter in contradiction to that statement, he appeared to hesitate in reiterating the statement, for, with the courtesy that was due from one Member of their Lordships' House to another, he felt that it would be well to write to Ireland after that contradiction, in order that he might ascertain if the statement which had been made to him would be still maintained. He had, since that period, referred to parties in Ireland on the subject, and he found, by that reference, that what he had stated on a former occasion was substantially the fact. He had stated that the clergyman was suspended, but if he had used the word superseded he would have been more correct in what he said. That clergyman had exercised his influence in preventing the collection of money amongst his parishioners for the purpose of being applied to the furtherance of the Repeal Agitation. He had also refused to assist in that Repeal Agitation, or to aid in one of the monster meetings which had taken place in Westmeath last year; and the consequence of his adopting that line of conduct was, that the Roman Catholic bishop of the diocese sent word to the clergyman (the Rev. Mr. Murray) to the effect that he would send a curate to officiate in the clergyman's chapel for three subsequent Sundays. The curate did, according to that intimation, attend and officiate at the chapel for three subsequent Sundays, and immediately preceding the monster meeting in Westmeath he preached in that chapel; so that the clergyman (Mr. Murray) had been superseded in his own parish. The noble Marquess opposite might ask on what authority he made that statement, but the noble Marquess must be aware that political addresses from the Altar became publicly known in Ireland throughout the surrounding districts, and were very freely talked over whilst they possessed novelty. In order that their Lordships might understand what the nature of the meeting was, at which Mr. Murray refused to assist, he (the Marquess of Westmeath) would describe to them the language which two Bishops of the Roman Catholic Church used on that occasion. The meeting took place on the 14th of May last, and it was stated by the papers which advocated a repeal of the Union, that fifty-one priests attended, and that the Roman Catholic Bishop was in the chair. At the dinner which took place after the meeting, Dr. Cantwell, the Roman Catholic Bishop, said that the Irish deserved and should have self-government, and he congratulated the meeting on the glorious demonstration which they had on that day made, and which showed that Westmeath was fully alive to the hopelessness of England rendering justice to Ireland, and it also showed that they were determined to co-operate with their countrymen, under the peaceful guidance of their wise leader, in removing the degrading stigma of inferiority, and raising Ireland again to the dignity of a nation. That was the language of Dr. Cantwell, and he was followed by another Roman Catholic Bishop, who used language of a similar nature and import. He felt it his duty as a Magistrate to bring this subject before their Lordships, and he trusted that he had done so with sincerity, perhaps with earnestness, but with a perfect freedom from party feeling.

The Marquess of *Normanby* said, that the substantial portion of the case would be best met by reading to their Lordships a denial with which he had been entrusted on the part of the Right Rev. Dr. Cantwell of any interference with the Rev. Mr. Murray in the discharge of his clerical functions. The noble Marquess seemed to have a strange mode of making out his case. The noble Marquess had made a specific charge, which was met by a specific denial, upon which the noble Marquess retorted, by reading not only a speech of the Right Rev. Dr. Cantwell, but the speech of another titular Bishop also. Certainly that was carrying the doctrine of conspiracy rather farther than it had been carried even of late years. He had received by this day's post a letter from the Right Rev. person, Dr. Cantwell, who assured him that he had never either spoken or written a word to the late Dr. Murray, parish priest of Clonmellon (four miles from the residence of the Marquess of Westmeath), and that for the fourteen years that he had been Bishop of that diocese, in which Dr. Murray had been forty-five years the incumbent of a parish, he had lived with the Rev. Gentleman on terms of the closest friendship, and had always regarded him with respect, esteem, and affection. He stated that he had never written a word to the Rev. Gentleman on the subject of Repeal, and he concluded his letter by stating that though the season when the Rev. Gentleman died was one of great severity, he (the Right Rev. Dr. Cantwell) travelled thirty miles to attend the solemn offices of the Church at his funeral, at which a large number of clergymen and 1,500 laymen attended, and on that occasion he expressed the greatest regret for the loss of so exemplary a pastor, and one characterized by such zeal in the discharge of his duty. That would show that the Rev. Mr. Murray had not incurred the displeasure of the writer. Now, after that letter, what grounds remained for the charge of interference with the Rev. Mr. Murray? The only ground on which the charge rested was, that a curate had attended the chapel of Clonmellon for three Sundays. Why the aged and Rev. Gentleman after having performed the duties of parish-priest upwards of forty years, left his duty to be performed by his curate for three successive Sundays, shortly before his death. The letter further stated that the Right Rev. Prelate perceived that the noble Marquess (the Marquess of Westmeath) said the statement was generally believed in the neighbourhood of Clonmellon, but he (Dr. Cantwell) believed that, so far from its being generally accredited, no man of respectability in that part of the country entertained the opinion that such was the fact. Having acquainted their Lordships with the contents of that letter he would not make a single remark on the subject in addition, as he thought the letter itself was a sufficient answer.

The Marquess of *Westmeath* said, that their Lordships would be able to decide between the two statements. He believed that it would not be safe as regarded the person who gave him the information if he mentioned his name; and therefore he would sooner have himself exposed to the suspicion of having exaggerated the circumstances than to state the person's name. He had heard the matter at the time, and he still firmly believed it notwithstanding the contradiction which had been read to their Lordships, who would give it its full value when they recollected the language which he had just read as having been used by the Right Rev. person. Their Lordships would judge whether he (the Marquess of Westmeath) would be inclined, without what he considered sufficient ground, to make an attack on an individual with whom he had no acquaintance whatever. There was another thing which he had to state. The noble Marquess opposite alluded to what had taken place as having occurred, in the living of Clonmellon, whereas it was in another chapel, under the jurisdiction of the Rev. Mr. Murray, that the Curate officiated, namely, Kilallen.

The Marquess of *Normanby* said the denial had no reference to any particular chapel, for it was a distinct and positive denial, on the part of Dr. Cantwell, that he either spoke or wrote to Mr. Murray on the subject of Repeal.

Subject dropped.

Slavery in Louisiana.] Lord *Brougham* said, that he had recently received many applications upon a very painful subject, and though he refused to present any petition on that subject, he wished very shortly to state to their Lordships the reasons which induced him to refuse to take any part with reference to it. Nothing could be more delicate than any interference of either House of Parliament, or any Member of either House, with respect to any matter or thing which belonged purely to the domestic policy of any foreign country, or belonging to the administration of the Municipal Law of that country; and he thought it no reason for breaking through that rule, that we considered a law to be improper to be enacted, or that it was in its nature or character revolting to our feelings. That would form no reason for our interference, because we had nothing to do with any domestic law, but our own law and its administration; and we had no power to interfere, nor had we had any mission to interfere with any law of whatever character in any foreign country, whilst that foreign country confined itself to its own law and the administration of that law. He held that rule to be of so sacred a principle, that he had refused to take any step with respect to the subject to which he now adverted, although it had been of late frequently brought under his notice, and although it was a case which greatly interested his feelings. A man had been condemned to death in the Criminal Court of Louisiana, for abetting the escape of a slave, and the sentence had been passed upon that man by the learned Judge in every respect as if the man had committed a murder—with the same appropriateness of language to the solemnity of the occasion—with the same lecture upon the enormity of his crime—the same admonition to the unfortunate criminal to make a proper use of the interval that would elapse before he died upon the gallows to make his peace with an offended God—with the same accustomed reference to the sacred truths of religion, as if the man so sentenced had impiously and irreligiously committed a cruel and barbarous murder—that was the case to which his attention had been so frequently attracted, and his answer was, that he had no authority to interfere, or call on the Government of this country to interfere with the laws of other nations. He was bound to suppose that the American law had been duly considered—he was bound to suppose that the American, or he should say the law of Louisiana, had been justly administered—he was bound to suppose that it was under such a just administration of the law of his own country that a criminal had been sentenced to lose his life, and he had no right to impeach the judge's construction of the law, or his ignorance of it, or to accuse him of any mal-administration of the law, or any perversion of it in condemning the man to die for aiding in the escape of a slave—that was the law of Louisiana—that was not the law of England. God forbid! but when he said that he had no right to say one word against the law or those who administered it in Louisiana, he might humbly, however, and respectfully towards the legislature of Louisiana, express his fervent hope that advantage would be taken of the long interval between the time of passing his sentence and the 26th of April, which was the time appointed for carrying it into execution—that advantage would be taken of that period for the sacred purpose of extending mercy to that criminal; for he spoke of him as a criminal because the laws of his country had so dealt with him; but he hoped and trusted that the humane and merciful consideration of the government of Louisiana would be extended to that unfortunate individual. With these observations he would quit this painful subject, and he trusted he should be considered as having completely vindicated himself for having refused to interfere in the way he had been urged.

Board of Charitable Bequests—System of National Education (Ireland).] The Marquess of *Normanby* said, he rose for the purpose of presenting the petition of which he had given notice, and wished to call the attention of their Lordships to the statements which it contained, and the important nature of the subject. It was a petition from John and Elizabeth

Ryan, who were the teachers of the Parochial School at Ballysax, in the County of Kildare. The Petitioners stated that for the last twelve months they had not received the annual interest on a sum of 200*l.* left by a former Rector of the parish, the Rev. Mr. Tew, it having been unjustly stopped for the last seventeen months by the Board of Charitable Bequests in Ireland, in consequence of the introduction of the National System of Education into the School. The importance of the subject was not however to be considered as confined to the interests of the petitioners themselves, or the alleged injustice they suffered in consequence of the stoppage of a portion of what they considered to be a fair reward for their services. They lived in a remote district, and they were individuals who were unknown and obscure, and whose income from their occupation amounted to about 40*l.* a year; but to those who were

"Passing rich on forty pounds a year,"

the stopping of the interest of the sum of 200*l.* small as it might appear, was of much importance. It was not, however, as regarded the interests of those individuals alone that he brought forward the subject, but in consequence of the course which the Board of Charitable Bequests in Ireland adopted, in order that they might see how far that conduct was likely to gain credit for sincerity on the part of those who professed to support the System of National Education in Ireland. The rev. gentleman, the Rector of the parish in which the school is situated, when he found that the payment of the interest of the legacy to which he alluded was stopped, appealed to the authorities on the subject, and stated that unless it was paid he would bring the subject before Parliament; and the prayer of the petitioners on this occasion was, that their Lordships would appoint a Committee to inquire into the constitution of the Board of Charitable Bequests. They complained that the interest of the legacy was withheld because the System of National Education in Ireland had been introduced into the school, and they prayed an inquiry into the constitution of the Board. He (the Marquess of Normanby) would make no statements which he could not prove; and if Government did not, after his statement, direct an inquiry into the subject, he would after Easter move for a Committee to institute that inquiry. In the year 1764 a Committee of the House of Lords took upon themselves the examination and control of Charitable Bequests and Donations in Ireland, and they instituted prosecutions with a view to the restoration of sums which had been misappropriated. Just previous to the Union it occurred to the Irish Parliament that something should be done with reference to these trusts, as this Committee would no longer exist, and one of the last Acts of that Parliament was to establish a Board of Charitable Bequests and Donations. That Board was to be composed of the Lord Chancellor, the Judges of the Prerogative Court, of all the Common Law Judges in Ireland, of all the Bishops, and of the nineteen Rectors of the different parishes in Dublin. But its exclusively Protestant character gave rise to many complaints on the part of the Roman Catholics. In 1829, under the Administration of the Duke of Wellington, a Committee of the House of Commons was appointed to consider this subject, and much important evidence as to the effect of the Protestant constitution of the Board on the Roman Catholics was given by Mr. O'Connell, among others. That hon. and learned Gentleman mentioned that in the course of his professional practice he had been several times consulted by persons who felt themselves aggrieved by, and distrustful of, this Board in consequence of the circumstance referred to, and that he had every reason to believe that considerable sums had been left away from schools which would have been bequeathed by Roman Catholics for the beneficial effect of education, had they felt more confidence in this Board. The impression made upon the Committee by this and similar evidence was such that it presented a Report recommending that the laws regulating the Administration of Charitable Trusts in Ireland should be revised. Nothing, however, was done until 1838, when the hon. Member for Waterford brought in a Bill to alter the constitution of the Board, which Bill passed through most of its stages in the other House, but did not reach the Upper House, in consequence, probably, of the state of public business, the attention of Parliament being then greatly occupied with the Municipal Reform Bill, which was then in the third year of its Parliamentary struggle. The facts of the case now before their Lordships, were simply these. The Rev. Mr. Tew, formerly Rector of Ballysax, by his will, left to the then Rector of Ballysax, and his successors, the sum of 200*l.*, in the following terms:—

> "I leave and bequeath to the Minister of the parish of Ballysax, in the diocese and county of Kildare, and to his successors, Ministers of the said parish, for ever, the sum of 200*l.* sterling, in trust, nevertheless and to the intent, that the said sum, when paid, shall be vested and laid out by him in the purchase of such Government Stock, as shall at that time be deemed the most eligible and advantageous, and shall yield and bear the highest rate of interest payable at the Bank of Ireland, which interest only it is my will shall be applied by him and his successors, Ministers of the said parish, towards the establishment and support of a Parochial School therein, and to the payment of the salary or salaries of a Protestant schoolmaster and schoolmistress for instructing the children of the poor inhabitants of the said parish, to be nominated and appointed by him and his successors, and the sole management of the said School to be vested in them, or their licensed Curates assistant, on the express condition, however, that they shall at every annual visitation of the Lord Bishop of Kildare, present a report in writing of the state of the said Parochial School of Ballysax, containing an account of the number and names of the children educating therein, and of the receipts and disbursements thereof for the past year, together with any other particulars relating to the same, which may be considered either necessary or interesting."

By a codicil to his will, the testator says:—

> "With respect to that part of the foregoing will, which vests the sole management of the Parochial School of Ballysax in the Minister of the parish, I mean thereby, that the sole management of the pecuniary concerns of the said School, and the nomination and appointment of the schoolmaster and schoolmistress should be vested in them; but it is not my intention to preclude such benevolent persons as subscribe towards the support of these schools, from visiting them, or forming such rules and regulations as they may consider conducive to their interest and prosperity, provided they are concurred in and fully approved of before they are adopted by the Minister of said parish."

He (Lord Normanby) was well acquainted with the parish in question, having spent much of his leisure time there when he held office in Ireland. At that time he frequented the place it was supposed to contain about 3,000 inhabitants, but by the more recent Population Returns it appeared that the number was under 1,300, of whom only 40 were Protestants, and these mostly of the upper class. The present Rector of the parish, Mr. Bermingham, had exerted himself in a praiseworthy manner to make the School what it was at present. The former state of the parish was this—there was a schoolmaster who received the interest of the gift, but there was no school or scholars. At the present period, the school contained seventy Roman Catholic boys and girls, and four Protestant children, all of them educated according to the system of the National Board, to which the parents of the Protestant children made no sort of objection; but, on the contrary expressed themselves as perfectly satisfied. Such was the state of the parish of Ballysax. Now, with respect to the Rev. Mr. Bermingham, he was originally Curate of St. Bride's, the laborious duties of which he always discharged in the most exemplary manner. That gentleman had been appointed Chaplain to the Lord Lieutenant, by the Marquess of Wellesley; he had been continued as Chaplain by his noble Friend opposite (the Earl of Haddington) and by himself. Under the present Ministry the appointment to the chaplaincy had been, he was bound to say, of a more exclusively political character, and Mr. Bermingham had been no longer continued Chaplain. Mr. Bermingham had been appointed by him (Lord Normanby) to the Rectory of Ballysax, and had carried out in this School the system of the National Board of Education, which had been attended with the utmost success, and met with no impediment until the spring of last year, when, in reply to a letter wherein upon their application he communicated to the Board of Charitable Bequests, a lease of some lands which had been granted by the proprietors of the Ballysax estates, for the erection of a School-room, he received from the Bishop the following letter:—

> "*Dublin Castle, April* 7, 1843.
>
> "Sir—I have had the honour of laying before the Board of Charitable Donations and Bequests the lease of the land granted by the proprietors of the Ballysax estate for the erection of a School-house thereon, together with your letter by which the lease was accompanied.
>
> "And I have been ordered to communicate to you that it is the opinion of the Board that the trusts of the will of the Rev. Wm. Tew have not been properly fulfilled, inasmuch as the School has not been conducted as a Protestant Parochial School, and the express condition imposed by the testator, that the Minister shall at every annual visitation of the Lord Bishop of Kildare, present a report in writing of the state of the said Protestant School, has not been complied with; and, in conclusion, I am to intimate to you that so long as this

state of things remains, the interest in the fund produced by Mr. Tew's bequest will not be paid.

"I am, Sir, &c.,
"Wm. Matthews, Secretary."

Now, the Resolution wherein the Board here, for the first time, took upon itself to interfere with this system in that instance of this School, was moved and supported by two personages who had just been admitted members of the Board, *ex officio,* as being Judges, then newly appointed by the present Government, namely, Mr. Baron Lefroy and Mr. Justice Jackson, men notorious for violent party feelings, who took a strong part in the meeting at the Mansion House in 1837 — men looked upon as vehement political agitators. The presence of these persons—these ultra-Protestant agitators—had thus made itself felt at that Board The resolution, in fact, originated with Mr. Baron Lefroy, and Mr. Justice Jackson, and was passed in spite of a strong opposition; the Archbishop of Dublin and the Chief Baron Brady forming part of the minority. He (Lord Normanby) had the very strongest doubt as to whether the decision of the Board, withholding the payment of the interest, was legal. The terms of the bequest would show that the control was limited to the Minister and Clergyman of the parish; for the terms of the bequest stated that it was to be applicable "in such mode or under such plan of education as shall be ordered by such Minister or his successor." He had already expressed his doubts as to the legality of the act of the Board of Charitable Bequests, for he doubted whether they had any such power to interfere. The Act itself, passed in 1800, 40 Geo. III., cap. 75, sec. 2, Irish Statutes, ran thus:—

"And be it enacted by the authority aforesaid, that the said Commissioners, and their successors, by the name aforesaid, may sue, and they are hereby empowered to sue, in every Court in this Kingdom, either of law or equity, for the recovery of every Charitable Donation or Bequest which may or shall be, withheld, concealed, or misapplied; and to apply the same when recovered to charitable and pious uses, according to the intention of the donor or donors; or, in case it be inexpedient, unlawful, or impracticable to apply the same strictly according to the directions and intentions of the donor or donors, then to apply the same to such charitable and pious purposes as they shall judge to be nearest and most conformable to the directions and intentions of the donor or donors; and the said Commissioners are hereby authorized and empowered to deduct out of all such charitable donations and bequests as they shall recover, all the costs, charges, and expenses which they shall be put to in the suing for, and recovery of the same. The first section recites that a Committee of the House of Lords had superintended the Charities, but that new provisions was rendered necessary by reason of the Union, and then it constitutes the Board and creates a corporation."

Sect. 3. Quorum Clause, Sect. 4. regulates and prescribes certain returns to be made under an Act mentioned in the title of the 3 George III. The above was the substance of the whole Act. The only expression in this Act establishing the Board which could at all seem to leave the matter within the discretion of the Board was the term "inexpedient;" but here was a case where the term could not apply, the donation being carried out in perfect conformity with the will of the testator and the law of the land. The only way in which it could at all be alleged that the will of the testator had been deviated from was this—the will directed that a statement of the condition of the School should be made to the Bishop on each of his annual visitations. Mr. Bermingham, not being aware of this obligation, neglected, in the first two years of his administration to make this statement; but, in all the three last years, having been made acquainted with the condition he had scrupulously fulfilled it; and, at the very time when the Board of Trusts came to the resolution that this condition had not been complied with, it had received the annual statement supplied by the rev. incumbent, indeed it was upon the Table before them at the very time that they passed this resolution. If this had been the cause of dissatisfaction on the part of the Board, how did it happen that not a word had been heard about it in the two years when the omission actually did take place? How happened it that it was reserved for Mr. Baron Lefroy and Mr. Justice Jackson to discover an omission which occurred so long before they had anything to do with the matter, and three years after the omission had been amply supplied? The next stage of the proceedings to which he must advert was the communications that passed between the Rector of Ballysax and the Bishop of the Diocese of Kildare. He had every desire to show respect to a Rev. Prelate, and more especially to one who, like the Bishop of Kildare, had reached his eighty-sixth year; but, at the same time, there were faults which, proceeding from whatever quarter, exhibiting somewhat of the spirit of oppression, ought to be animadverted upon. The letter would tell its own story, and needed slight comment. It ran thus:

"*June* 29, 1843.

"Reverend Sir—On Monday, the 26th of June, inst., the Board of Charitable Bequests and Donations met according to appointment, his Grace the Archbishop of Dublin in the chair, and with Judges Burton, Jackson, and Baron Lefroy, some conversation took place, and Baron Lefroy stated the grounds of the former decision, adding some strictures concerning your delegation of your trust, which you will do well to hear from other persons than myself. A motion having been made the Court broke up, by an adjournment *sine die*. By the judgment of the Court, as it stands, you will and may soon incur the consequences of this, unless you take timely means of restoring the Parochial School to its proper uses. I refer you in this respect to some other person to expound the Penal Statute of Henry VIII., in his 28th year, Statute 13th, no trifling matter you may be assured.—I remain, Your faithful servant,

"CHARLES KILDARE."

"No trifling matter," said the Bishop minaciously. He (Lord Normanby) when in Ireland, had had occasion, from circumstances then engaging much public attention, to pay a good deal of attention to the Statute in question; and, having a perfect recollection that the only section which applied to this particular point was the 9th section, he at once saw that the Bishop had been egregiously misinformed. Those who were acquainted with the Statute would at once call to mind that it was framed with no sort of intention, at that time, of changing the ritual or form of worship; its object was, not to encourage Protestantism, but to promote the spread of the English language. As a proof of this, he need only remind their Lordships, that one section of it commanded the Roman Catholics of Ireland "to tell their beads in the English language." There were other provisions in the same Act against wearing saffron shirts, against the mode of wearing the hair called "glibbs," and against wearing hair on the upper lip; none of these provisions he thought that the Rev. Gentleman in question was likely to violate. He could not conceive, therefore, what connection this respectable but very aged Prelate could have seen between the matter in hand, and "the Penal Statute of Henry VIII., in his twenty-eighth year, Statute 13th," as he quaintly phrased it. In the course of this letter, it would have been observed, the right Rev. Prelate used the expression, "delegation of your trust." In no respect could this imputation be borne out; in all respects had Mr. Bermingham complied with the provisions of the will. But perhaps, considering the circumstances, this was a mere carelessness of expression—the expression, however, was one which should have been weighed more carefully. He would only read a portion of it, as he did not wish to dwell upon any incautious phrases of the Bishop. The next communication ran thus:—

"*July* 1*st*, 1843.

"Reverend Sir—Being desirous of taking the Roman Catholic children of Ballysax parish into the system of our Church Education School as to Religious Instruction, I have opened a negotiation with the parent society in Dublin, and also with our diocesan like society, for providing at my own cost, for one year, a proper master and mistress (the same, if amenable), as already are employed. Provided you resume your proper charge, and rescue the property and place from the hands of the National Board.

"If there were no better system to be had I should not oppose the National Board. So far as they go I am favourable to them. But I can do both with your help; and if you will take prudent and bland means to rescue this School, and add it to our Church Education Society, I shall hope to carry this good measure, without any stringent measures.

"I remain, &c.,

"CHARLES KILDARE."

Now, in reference to the expression here, about "rescuing the property and place from the hands of the National Board," Mr. Bermingham distinctly declared that the National Board had no more property in the school than any other of the subscribers, or any more share in the management than was pursuant with that part of the will, which permitted donors, by themselves or their representatives, to act as visitors, and to propose regulations for the management of the School, subject to the approval and concurrence of the incumbent. He had understood that threats had been conveyed to Mr. Bermingham, to the effect that if he proceeded in this way, to bring the case before Parliament, it was very possible that the temporary license for non-residence, which had been obtained on account of the ill health of his wife, the mother of seven children, would be withdrawn by his diocesan; but the character of the right Rev. Prelate rendered it impossible to suppose that he would consent to any such monstrous step. This case of Ballysax presented an epitome of the state of Ireland. Nothing had happened here which might not be predicated of five-sixths of the parishes of that Kingdom. Here was presented a striking instance of the struggle going on there between two principles of Government, or he ought rather to say the struggle between the principle of governing with the concurrence and good will of the great mass of the population; and the other, the principle by which the country can only be held and occupied without the golden link of the affections of the people. The system carried out by Mr. Bermingham was one which tended to the diffusion of Christian knowledge, to the establishment of Christian practice, to the reciprocation of Christian good will; under it pre-eminently in this instance the priest and the clergyman were seen acting in cordial concurrence, the former not seeking to intrude himself into the School, but co-operating to his utmost in his own sphere. That system, let him remind their Lordships, was not the creation of the late Government, whom enemies had falsely accused of being indifferent on the subject of religion; it was not the work either of Lord Stanley, that prominent champion of the Church: it dated from the 14th report of the Education Commissioners, a report bearing the signature of the late Primate of Ireland, the Archbishop of Cashel, and drawn up by Mr. Leslie Foster, whom no one could accuse of lukewarmness to the cause of Protestantism. It happened most unfortunately, that there was now a Lord Lieutenant of Ireland, whose spirit in the matter might be judged not only from all his clerical appointments, but from the warm acknowledgments which he had made in answer to an address from a hot Protestant body, which contained sentiments most uncharitable, most obnoxious to the Roman Catholics: while the Irish Secretary, however good his intentions, seemed altogether disposed to let, "I dare not wait upon I would." Mr. Bermingham, under the circumstances thus stated, had thought it necessary to address a letter to Lord Eliot explaining the whole matter. The answer he received ran thus:—

"*Irish Office, July* 25, 1843.

"Sir—I beg to acknowledge the receipt of your letter of the 20th instant.

"I must acquaint you that the Government has no power to take cognizance of a decision of the Board of Charitable Bequests—a Board of which the Lord Chancellor and the Judges are members. The only appeal from it is to a Court of Equity.

"I would, however, suggest that you should lay a statement of the case before the Lord Chancellor who might induce the Board to reconsider it.

"I have the honour to be, Sir,
"Your obedient servant,
"Eliot."

Acting upon the suggestion of his Lordship, Mr. Bermingham then addressed a letter to the Lord Chancellor, who made the following reply:—

"*Boyle Farm, August* 3, 1843.

"Sir—I beg to acknowledge the receipt of your letter, with its inclosure. It is not within my province to review the decisions of the Board of Charitable Bequests, of which I am a member; and it would not be proper for me to give an opinion upon any act of theirs. Your point, I observe, is a want of jurisdiction. If you desire to bring this again before the Board, I will willingly attend when the case is heard, and give my best attention to it. This is all I can undertake to do. You will of course exercise your own discretion in appealing to Parliament. There can be no meeting of the Board until the Judges return to Dublin after the vacation.

"I have the honour to be, Sir,
"Your very obedient servant,
"Edward B. Sugden."

"*The Rev. J. A. Bermingham.*"

Here, then, had applications been made to the two officers of the Crown, to whom application was most fitly to be made, and from that time to this no satisfaction whatever had been obtained from this most unjust, and as he felt convinced, altogether illegal proceeding on the part of the Board of Charitable Trusts. The reverend complainant, then, surely could not be charged with having prematurely called the attention of Parliament to this subject, when, after so long a time, nothing had been done to redress those poor people, or to restore to them that annual stipend to which they were entitled. To resist the hostile influences that were constantly at work in Ireland—to thwart the professed intentions of the Government here—required a firm hand and a strong will. And he was sure that at this moment, when they could induce the Roman Catholic priesthood to go hand in hand with the Protestant clergyman of that system of Education by which Christian feeling and Christian precepts could be diffused amongst the people of that country by discouraging those attempts to interfere with that system, the Government would do a great deal to put the people of that country in that state in which they should desire to see them, and an union of opinions on such subjects amongst such a population was the most likely way to confirm their union with the English nation. He was convinced, that after the statement which he had made, the attention of the Government would be drawn to the subject, and that they would take steps to check in time such injudicious attempts to interfere with the system of National Education in Ireland, which he was satisfied that both the Government and the Legislature desired to see carried out in a fair and impartial spirit. He was afraid that he had taken up much more of the time of the House than it was usual to occupy in the presentation of petitions; but the peculiar circumstances of the case must plead his excuse. He left the matter with confidence to the consideration of the Government, knowing as he did that he had said nothing which he was not able to prove. If he found that the Government, after a certain period had elapsed, did not interfere, he should consider it to be his duty to call upon the House to appoint a Committee to inquire into the subject.

The Duke of *Wellington* observed that the noble Marquess had truly said, that he had commented at considerable length on the contents of this petition, which he on Friday gave notice that he should present to the House. As was his duty, he (the Duke of Wellington) had taken great pains, since the noble Marquess had given notice of his intention to present this petition, to endeavour to obtain every information on the subject matter of this petition, and he had taken away a copy of the notice given by the noble Lord, so as to prevent delay in his inquiries; but he confessed that he had not been able to obtain much information on the subject; he, therefore, could only give a very short explanation on the present occasion. He rose now merely to state that he had seen a letter from Mr. Bermingham, from which it appeared that the statement of the noble Marquess was nearly accurate as to the facts which he had stated. It appeared that the rev. Gentleman in question became entitled to the administration of certain charitable funds for the education of the poorer children in the parish, in conformity with the bequest of a testator, and he established in his parish, in conformity as he conceived with the instructions of the bequest, a school on the National System of Education; and upon the subject coming under the notice of the Board of Charitable Bequests in Ireland, that body, which had the power, thought proper not to approve of the establishment of this school, thinking that it was not established according to the will of the testator. In consequence of this rev. Gentleman being directed by this Board to apply the funds which were at his disposal in a manner more in conformity with the intentions of the testator, he wrote to the noble Lord the Secretary of the Government in Ireland. Upon this subject, it appeared to him, that he had only done that which he ought to have done when it came under his consideration. He informed the party that if he considered himself aggrieved, he ought to have recourse to a Court of Equity; that there was no other course that could be adopted, and that a Court of Equity alone had control over the Board of Charitable Bequests, which was formed of the Lord Chancellor, the Bishops and Judges, and other eminent persons in Ireland. In the first place, however, he recommended this rev. Gentleman to apply to the Lord Chancellor, who was a member of this Board, to bring the subject under the re-consideration of the Board, and this was stated in the letter which was read by the noble Marquess. The party accordingly applied privately to the Lord Chancellor of Ireland, and received a reply, dated from this country; and under these circumstances the noble Marquess chose to throw out a taunt against the Lord Chancellor for being absent from Ireland during the vacation in his Court. It should be remembered that this rev. Gentleman did not apply to the Lord Chancellor as the head of the Court of Equity, but applied to him in his private capacity, as a member of the Board of Charitable Bequests, and got an answer accordingly. He (the Duke of Wellington) knew nothing more of the case, but he was informed that the charge against the rev. Gentleman was, that he had not supported such a school with the receipts of this bequest, as it was considered by the Board that he ought to have done, until the bishop of the diocese had ordered him to do so. It was all along said that it arose from ignorance, and not from intention, that the rev. Gentleman had supported an improper school in the first instance, and it was only when he was subsequently better informed on the subject that he made these changes which he was called upon to make. With respect to the decision of the Board of

Charitable Bequests, and as to the letter of the Bishop of Kildare, and as to all the other matters which the noble Marquess had thought proper to bring forward on this subject, he had no knowledge whatever; but he contended that the noble Lord, the Secretary of the Irish Government, had done his duty in pointing out to this Gentleman the course which he should take to obtain redress for the alleged grievances which he had stated, and for the complaints which he had made. If this Gentleman did not choose, for some reasons of his own, to follow the advice of his noble Friend, he had no ground of complaint, for it was for him to judge of his own conduct. He did not, however, conceive that while this course was open to that Gentleman, the noble Marquess was justified in calling for a Committee of the House to enquire into a matter of this kind; but he could assure the noble Marquess that if he could furnish him with a copy of this petition, he would take care that the attention of her Majesty's Government should be called to the subject, but the whole matter would be properly investigated if this Gentleman would only adopt the suggestion offered to him by the noble Lord the Secretary for Ireland, and apply to a Court of Equity for a remedy.

Lord *Cottenham* said, that if the rev. Petitioner would take his advice, he would not apply to a Court of Equity on the subject. He had had some experience of Courts of Equity in charitable cases, and he would at once declare that the rev. Gentleman would best consult his own interests by not taking any such step. There were also peculiar circumstances in connection with this case which should make parties extremely cautious before they resorted to a Court of Equity; for it appeared by the Act constituting this Board of Charitable Bequests that the Commissioners were authorised by Parliament to pay all charges of any suit in equity in which they might be engaged out of the funds of the charity involved in the case. Now, in this case, where the amount of the bequest was small, all the money would be gone before any proceedings could be brought forward in a Court of Equity, and when it was, the rev. Gentleman might find that he would have to pay his own costs. The question also was, whether, under the Clause of the Act empowering the Commissioners to defray the charges of suits of equity, that it did not give the enlarged power which was supposed, for it had to determine as to the inexpediency of proceeding in the case or not. The Clause in the Irish Statute of the 40th Geo. III., c. 75, s. 2., was—

> "And be it enacted by the authority aforesaid that the said Commissioners and their successors, by the reason aforesaid, may sue, and they are hereby empowered to sue in any Court in this Kingdom, either of Law or Equity, for the recovery of any charitable donation or bequest which may or shall be withheld, concealed, or misapplied, and to apply the same, when recovered, to charitable and pious uses, according to the instruction of the donor or donors: or in case it be inexpedient, unlawful, or impracticable, to apply the same strictly according to the directions and instructions of the donor or donors, then to apply the same to such charitable and pious purposes, as they shall judge to be nearest and most conformable to the directions and instructions of the donor or donors, and the said Commissioners are hereby authorised and empowered to deduct, out of all such charitable donations and bequests as they shall receive, all the costs, charges, and expences which they shall be put to in the suing for, and recovery of the same."

It was obvious that the Commissioners had a very despotic power under this Act, and greater, probably, than Parliament would be disposed to confer in the present day; and it was a question whether, under such a case as the present, a Court of Equity or any other jurisdiction could interfere. If it should appear to some parties, that there had been a misapplication of charitable funds, and if an Equity suit were instituted, it would be a matter of difficulty, as he read the clause, to get over the word "inexpediency," with respect to which such a large discretionary power was left with the Commissioners. It was well known, that at present, by a form of suit in equity, termed *ces pres*, when it appeared that the instructions of a donor could not be carried into strict effect, that a power was given to a Court of Equity to enlarge the authority or province of the trustees; but, as to the "inexpediency" or not of applying the funds of a charity, strictly according to the directions and instructions of a donor, he did not think that it was a power that should be entrusted to this Board of Commissioners. Such a power given by this clause would be equivalent to allowing the Board of Commissioners to defeat the object of the donors of charitable bequests merely on the ground of their determining as to the expediency or inexpediency of applying charitable funds according to the intentions or directions of the donor. It was obvious under this clause the Commissioners could apply the funds of a charity to purposes very different from the intention of the donor. He was sure, that as the attention of the House was here called to this subject, that it would consider whether such a power should be entrusted to any Board of Commissioners. After all, he was anxious to caution this Gentleman to well consider the consequences that would ensue before he went into a Court of Equity on this subject, for it was clear that all the funds of this charity would be lost before any advance could be made in the suit. He hoped that Her Majesty's Government would take into its consideration the object and intention of this clause, and determine whether it was not of such an extent, and gave such powers, as ought not to be allowed to stand on the statute book any longer, and which affected not only this but many other cases.

The *Lord Chancellor* was anxious to remind his noble and learned Friend, that the clause in the Act of Parliament to which he referred, was in an Act of the Irish Parliament of 1800, and that it was not an enactment of the Imperial Legislature. He agreed with his noble Friend, that it would be hopeless, in a case like the present, to resort to a Court of Equity, for it appeared that the annual funds of the charity amounted to only 7*l.* 10*s.* a-year, and such a fund would, long before a decision could be obtained, be exhausted. His noble Friend the Secretary for Ireland, had truly stated the Government had no power in this case, but that the jurisdiction rested in a Court of Equity, but he recommended the petitioner to apply to the Lord Chancellor of Ireland, as a member of the Board of Commissioners. Mr. Bermingham accordingly did apply to the Lord Chancellor, who, in his reply, did not say this was a proper case to bring before a Court of Equity, but he told the petitioner to bring the subject again under the consideration of the Board of Commissioners, and he added that he should be at Dublin within a short time, and if the matter was brought forward he would take care to attend the meeting of the Board, and that the matter should be examined into. He believed that the subject had not again been brought before the Board, but if it was, he would venture to say, that his right hon. and learned Friend the Lord Chancellor of Ireland would pay every attention to it. For his own part, he felt that it would be hopeless to bring the matter before a Court of Equity, not only on the ground of the expense necessarily attending it, but also, as some doubts existed as to the powers given to the Commissioners by the clause of the Act referred to by his noble and learned Friend.

The Duke of *Wellington* thought he had better read an extract from the letter of his noble Friend the Secretary for Ireland to the petitioner in this case, as that would prevent any misunderstanding.

"I must acquaint you that Government has no power to take cognizance of a decision of the Board of Charitable Bequests, a Board of which the Lord Chancellor and the Judges are members. The only appeal from it is to a Court of Equity. I would, however, suggest that you should lay a statement of the case before the Lord Chancellor, who might induce the Board to re-consider it."

Such was the reply of the noble Lord, the Secretary for Ireland, to this Gentleman, and he thought that it was a most satisfactory one.

The Marquess of *Normanby* observed, that he had not found fault with the note read by the noble Duke; and Mr. Bermingham had followed the course which was suggested by that noble Lord, and had applied to the Lord Chancellor, and, subsequently to the communication which he had received from the Lord Chancellor, Mr. Bermingham had made another application, and he never could get any information as to when there was to be a meeting of the Board.

Lord *Wharncliffe* wished to know whether Mr. Bermingham had renewed his application to the Lord Chancellor?

The Marquess of *Normanby* was not aware whether he had or had not.

The *Lord Chancellor* remarked that it was essential that the House should know whether the petitioner had, since his communication with the Lord Chancellor, made any further application to the Board of Commissioners, and if he had what had been the result.

The Marquess of *Normanby* understood that the petitioner had been informed that the Commissioners had had no further meeting, and that it was not known when there would be a meeting of the board.

Lord *Campbell* said, that if the petitioner applied to a Court of Equity, he must do so with very little hope of success if he reflected on the constitution of the Board, and on the powers it possessed to resist his application. It should be recollected that the resolution of the Board respecting this Charity had been adopted on grave authority, and at the instigation of Mr. Justice Jackson, who made the Motion, and of Mr. Baron Lefroy, who seconded it. Since the proposition had been adopted on such authority, was it clear that even on the recommendation of the Lord Chancellor the decision of the Board would be revised? With respect to his countryman, the Bishop of Kildare, he would venture to declare that he was a man of the greatest good nature, and that he would not be guilty of any violence or even harshness in the execution of what he conceived to be his duty; and even in this case he was satisfied that the right Rev. Prelate believed that he was exercising a sound discretion, and that Mr. Justice Jackson, and Mr. Baron Lefroy would not give an erroneous decision on the subject. One of the means which the Government had stated that it meant to resort to for the purpose of pacifying Ireland was by increasing the grant for National Education, and he was satisfied that a case of this kind would do more injury to the progress of the System of National Education in Ireland than would be counterbalanced by any public grant which they could propose for the purpose of carrying it out.

The Marquess of *Normanby* had just been informed that the gentleman did apply to the Board since he received a communication from the Lord Chancellor of Ireland, and that he had not received any satisfactory answer. With respect to the resolution of the Board of Commissioners on which these proceedings were founded, he was informed that he was mistaken when he said that it was proposed and seconded by the two learned Judges who had been named, but it was drawn up by them.

The Bishop of *Exeter* would not attempt to dwell on the matters of fact of this case, which had been alluded to by the noble Marquess and the noble and learned Lord, nor would he then go into the consideration of the propriety of the encouragement which the Government was giving to what was called the National System of Education in Ireland, for this was not the proper time to do so; but there seemed to him to have been a very singular omission during the present discussion, of the consideration of an important principle involved in the case. The two noble and learned Lords opposite had objected to the constitution of the Board of Commissioners, without looking to one of the most important points for consideration connected with the Act relating to property left in trust for purposes of Education, and he should take the liberty of drawing their Lordships' attention to it. He believed that the facts of this case were shortly these—that a testator left a certain amount of income to be devoted for purposes of education in the parish in which he resided, and that he left the distribution of this fund to the discretion of the Rector of the parish for the time being. He then put it to the noble and learned Lords, whether any person who was appointed by will to administer a trust, and who was admissible to that trust only as Rector of the parish, in which capacity it was his bounden duty, and he was intrusted with the solemn obligation of promoting true religion, would be in any case justified, in the performance of the duties of such trust in dealing with those funds otherwise than according to the terms of the trust which was confided to him, in converting a Parochial into a National School? Could it be said that, in the course which this Gentleman had taken, he was advancing the interests of that religion which he professed, and that he was consistently administrating this fund in his parish in conformity with the duties of his station? The bequest was manifestly intrusted to him for the purposes of Education according to the principles of the true religion, and, therefore, he was not justified in doing what he had done, and what was afterwards undone, and properly by the Board of Charitable Bequests. He clearly had not administered the fund in the way intended by the donor, as he was bound to have done, because he had not given the children attending the school the description of religious education designed for them by the founder, and, although as Rector of the parish he had a discretion, yet that discretion was only to be exercised under legal control. He put it to the noble and learned Lords to say whether, under such circumstances, the Rector of this parish could deal with the bequest otherwise than in educating the children attending the school according to the religion of that Church to which he belonged; and if they could not, and he believed they could not, then it was evident that the decision of the Board was right, and that this Rev. Gentleman had been guilty, though unintentionally, of a mal-appropriation of this fund. For his own part he was prepared to rest on the authority of the two learned Judges alluded to, that in this case there had been a misappropriation of the funds of the Charity; he was satisfied that they were right in the decision which they had given, and he was gratified that they had so given it. He firmly believed that the law of the land was, that funds so bequeathed, if left to the trust of the Rector, or other ecclesiastical authority in the parish, must be expended for the purposes of education in the Protestant religion; but could it be said that, where money was expended on what was called the National System of Education, that it could be said to be expended in connection with the Protestant religion? He was sure it was not so. The noble Marquess smiled, but he (the Bishop of Exeter), could assure him that he would rather attend to his words than his smiles. He would venture to challenge the noble Lord to get up in his place and say that money so laid out in the National System of Education was expended in connection with the religion of the Church of England and Ireland. If it was not, it was vain to allow such a state of things to continue. It should be in the recollection of the House that the National System of Education did not profess to be in connection with the Protestant religion, but it was a system which had been adopted and was administered on the special ground of deference to the feelings and prejudices of the Roman Catholics, and against the feelings and wishes of the members of the Established Church. He, therefore, considered that this was a grave case of misappropriation of the funds of a charity, and he rejoiced that the two learned Judges who had been alluded to had vindicated the law, and had pursued a course calculated to advance principles which he believed to be correct.

Lord *Monteagle* hoped most sincerely that such advice, resting on such authority, would not be adopted by the Protestant Clergy of the Established Church in Ireland. If the law was of the character which was laid down by the right rev. Prelate, it would appear that a clergyman could not accept a charitable trust for the purposes of education, unless he was to carry out that trust in connection with the peculiar principles of the Church of England. He believed that the greatest good might be anticipated from the admixture of Protestants and Catholics in the national schools in Ireland, and the whole object of education would be frustrated and destroyed if they endeavoured to act upon the principles and suggestions laid down by the right rev. Prelate. The right rev. Prelate had asked whether in any respects the National System of Education could be called a Protestant education? Now, in contradistinction to this, he would refer to the highest authorities of the Church, from whom this System had emanated. Among the names of the eminent men who had signed the Report of the Commissioners of Education in Ireland, on which this National System of Education was founded, he found the names of the Lord Primate of Ireland, the Archbishop of Cashel, the Bishop of Killaloe, the Bishop of Cloyne, and several other dignitaries of the Church, as well as the name of Mr. Leslie Foster, and it was not likely that it would have received their support if it had not been Protestant. Such, then, was the System which the right rev. Prelate felt himself called upon to stigmatise, and to which he said that no Protestant Clergyman should lend a helping hand. ["*No, no!*"] The right rev. Prelate went to the extent of stating that no Protestant Clergyman should take upon himself the execution of a charitable trust unless the funds to be administered were applied to education exclusively Protestant. He (Lord Monteagle) was rejoiced to find that the Government had promised to inquire into the present case, and he trusted that the effect of such inquiry would be to exclude from the administration of charities all who would act in the spirit suggested by the right rev. Prelate. As was stated by his noble Friend there were seventy Roman Catholics and four Protestant children in this school, and by the principle adopted by the Board, and so strongly approved of by the right rev. Prelate, the whole of the Roman Catholic children would be expelled from the school. Previous to the appointment of Mr. Bermingham to this parish, an attempt was made to administer this charitable fund for the school in the spirit suggested by the Board of Commissioners and the Bishop of Kildare, and the effect had been to drive nearly all the children from the school, and to leave them to run wild on the Curragh of Kildare. He was glad that the case was one which would be taken into practical consideration by Her Majesty's Government, for he was satisfied that it could only lead to one result, namely, directing attention not only to this case, but to the whole of the law relative to charitable bequests in Ireland. A Committee of the other House, of which Lord Francis Egerton was chairman, and of which he (Lord Monteagle) was a Member, so far back as 1829, recommended that there should be a reconstruction of the Board of Charitable Bequests in Ireland, but it appeared that nothing had yet been done on the subject. If it were necessary for the Government to make any alteration in the law with respect to charitable bequests in the administration of these charities, he thought the noble Lords themselves would see that the Committee was not very wrong originally; but the necessity was still more stringent now to amend the law. If they wished to make the law practical, and not to leave it a dead letter, they would not allow the administration of all the charities of the country to remain in the Board of Charitable Bequests, which consisted of a variety of persons having other and more important and conflicting duties. He had a great respect for the Judges who formed a part of that Board, but their judicial duties must prevent their attending to those which belonged to the Board. But, passing by the Judges and Bishops, they had the nineteen Clergymen who were Rectors of the parishes in Dublin, and there was, in fact, a Board too large for the purposes of responsibility, and too small for the purposes of deliberation. He hoped to see a Bill that would meet the practical objection stated by his noble and learned Friend with respect to the word "expedient," and put the charitable bequests of that country on a better footing.

The Bishop of *Exeter* said, that the noble Lord had misrepresented what he had said. He stated that he did not mean to go into the question of the policy of the Measure of National Education, so called, in Ireland. He did not say that any clergyman who gave himself to it would do wrong; but this he said, and upon this he rested the whole of his address to their Lordships, that the law of the land required when a bequest was made—and be it remembered, this bequest was made before this National Education scheme entered into the brain of any one—that the education to be conducted by that bequest should be according to the principles of the Established Church. There was a statement of a matter of fact upon which he would be glad to be set right. He meant with respect to that which the noble Marquess supposed to be the original of this scheme of National Education—namely, the fourteenth report of the year 1812, subscribed to which were the signatures of the Lord Primate of that day, and the Archdeacon of Ferns, who lived long enough to express his disapproval of this system of National Education, which was sufficient proof that the scheme was not that propounded in 1812. The Commissioners of 1812 never contemplated that the National Schools should supersede the Parochial Schools, they recommended that the Protestant Schools should be increased in their efficiency, and that these National Schools should be merely supplementary. He maintained that the Parochial Schools were to be exclusively Protestant. As to the law to which he had referred, he might be wrong. He had appealed to the noble and learned Lords, and he would rather have been answered by one of them than by the noble Baron. One of those noble Lords (Lord Cottenham) had left the House while the noble Baron was speaking, but there was one still sitting opposite, whose talents and learning gave weight to his opinions.

Lord *Campbell* rose amidst loud laughter, and said, that as the right Rev. Prelate had done him the honour of referring to him, he would state his view of the matter, but he would not be bound to any opinion he gave, without time for further consideration. The words of this Bequest were, that a Parochial School should be founded, not a Protestant School.

The Bishop of *Exeter*: With a Protestant schoolmaster.

The Marquess of *Lansdowne*: Which a great many of the National Schools have.

Lord *Campbell* continued. There was not the slightest inconsistency in having a Parochial School with a Protestant schoolmaster, to which the children of Roman Catholics should be admitted. It frequently happened that Protestant schoolmasters educated Catholic children; and he should apprehend the testator, who appointed a parochial school, with a Protestant schoolmaster, if he could now look out of his grave, would not think that his bequest was at all contravened, by seventy Roman Catholic children being educated in the parish along with the four Protestant children. The four Protestant children were educated probably well or better than if they were the sole objects of the care of the schoolmaster: but he would repeat, that the will of the testator did not seem to be contravened by children of another persuasion being educated in that School.

The Bishop of *Exeter* said, the noble and learned Lord had so adroitly evaded the question, without giving an opinion, that he would put it again. His question was, not whether seventy children could be educated by a Protestant schoolmaster, but whether they should admit seven or seven hundred Papists into it? He asked him to answer his question. He asked him whether it was his opinion as a lawyer, according to the law, that the clergyman of the parish, the rector who was entrusted with the appointment of the Protestant schoolmaster — whether that rector was not bound to have the school conducted according to the principles of the Protestant Church, and had nothing to do with the seventy papist children that came there?

Lord *Campbell* said, his noble and learned Friend (Lord Cottenham) having left the House, and he (Lord Campbell) having given his opinion, the greatest authority that now remained was the noble and learned Lord on the Woolsack, to whom he begged to refer the right Rev. Prelate.

The Bishop of *Exeter* said, that at all events his law had not been contradicted.

Petition to lie on the Table.

House adjourned.

HOUSE OF COMMONS,

Monday, March 4, 1844.

MINUTES.] BILLS. *Public.*—2°. Prisons (Scotland).

Private.—1°. Sheffield, Ashton-under-Lyne, and Manchester Railway; North British Railway; Slamannan Junction Railway.

2°. Beccles Navigation; Manchester and Birmingham (Macclesfield and Poynton Branches) Railway (No. 2); South Devon Railway; Edinburgh and Glasgow Railway; Edinburgh Poor Assessment; Bolton and Preston Railway.

PETITIONS PRESENTED. From Aberffraw, against Union of Sees of St. Asaph and Bangor.

RAILWAY COMMITTEES.] Mr. *Gladstone* rose to call the attention of the House to the following Report, agreed upon by the Select Committee on Railways:—

"1. That in each case, where Bills are now pending, to authorise the construction of new Railways, competing with one another, such Bills be respectively referred to one Committee.

"2. That the Committees for the consideration of such Bills be specially constituted.

"3. That Bills now pending to authorise the construction of new lines of Railway, which will compete with existing Railways, be in like manner referred to Committees specially constituted.

"4. That such Committees be composed of five Members to be nominated by the Committee of Selection, who shall sign a declaration that their constituents have no local interest, and that they themselves have no personal interest, in the Bill or Bills referred to them; and that they will not vote on any question which may arise without having duly heard and attended to the evidence relating thereto; and that three shall be a quorum.

"5. That a Select Committee be appointed, to consider which of the pending Railway Bills shall be deemed competing Bills according to the foregoing resolutions.

"6. That such Select Committee be composed of five Members, of whom three shall be a quorum, and that the Committee have power to send for persons, papers, and records.

"7. That such of the Standing Orders as relate to the composition of the Committees on Private Bills, and the orders consequent thereon, be suspended, so far as regards competing Railway Bills pending in the course of the present Session."

The right hon. Gentleman said he would in the first instance, call the attention of the House to a particular Railway Bill, which at present stood committed for Thursday: namely, the Lancaster and Carlisle Railway Bill, with respect to which the question might fairly be raised whether it ought not to be considered as a competing Railway with another line; and he should take the opportunity of proposing that the Committee on that Bill be deferred for a reasonable time unless the promoters of the Bill would take that step themselves in the event of the House adopting the Resolutions of the Committee. The Resolutions which he was about to propose, in conformity with the instructions of the Committee of which he had the honour to be the Chairman, had been in the hands of hon. Members two or three days; and as they were not very long, he trusted hon. Members were fully aware of their nature. He did not know, that there was anything on the face of the Resolutions requiring any statement from him; but as there was some departure from the usual practice of the House with respect to the appointment of Committees on Private Bills, he wished to make a few observations. The Committee, on proceeding to examine that part of the subject which was referred to them, relating to the Standing Orders of the House, of course, had to take into their view that some of the questions requiring their investigation had been already raised in a special form by some of the Bills now before the House. The question, for instance, of competing Railways, was one which, although not raised on a very large scale by the Bills of the present Session, was raised in a very considerable number of instances, generally speaking, on short Railways of secondary importance. The Committee, he believed, were unanimously of opinion that there were some considerations applicable to Railways which rendered it desirable to try whether some experiment should not be made, at all events, for the purpose of dealing with those Railway Bills. These considerations summed themselves up in this main position—that Railway Bills, although they are in respect to interference with private rights, and in respect to the accommodation they afford to particular districts and localities, of the nature of Private Bills—yet they do enter so directly and so closely into communication with other great lines that constitute the main arteries of the traffic of the kingdom, that they do partake virtually, and as to their end and policy to a considerable extent, of the nature of public Bills, that there are many reasons why public interests should be largely represented in the Committees that have to deal with those Bills. At the same time, the House having adopted it as a principle, that its Committees on Private Bills should be composed in part of a very limited number of selected Members, and of Members more or less connected with local interests, he was very far from calling upon the House, in its present state of information, to depart from that principle; but he did, as the organ of the Committee on Railways, invite the House so far to depart from that principle as to constitute its Private Railway Bill Committees for the present Session on different principles from those which had hitherto obtained. Now, there were some considerations which presented themselves to the Committee, on which he thought he might say the Committee were unanimous. It was quite obvious, and it was acknowledged by every Member of the Committee, that it would not do to allow all the Railway Bills in the present Session, whether competing Bills or not, to go forth in the usual course prescribed by the rules of this House. It was felt that it would be quite absurd in cases where it was proposed to make two railways from nearly the same terminus and for the accommodation of the same district and the same traffic—it was felt that it would be quite preposterous to allow these Bills to go before two different Railway Committees of the House. The first step was, that Bills competing with one another should be referred to the same Committee. And then came the question of the constitution of the Committee; and there was a case which he would now mention to the House—a case of two railways proposed to be made from the town of Ashton-under-Lyne to Staleybridge, both having for their object the accommodation of that town and its connection with the great manufacturing district of Manchester. One of those Railways proposed to join the Manchester and Sheffield Railway, and the other the Manchester and Leeds Railway. The two Railways were intended to go through different counties, and although they started from the same town their termini in that town were in different counties. It so happened that the town was situated in two counties. Now, there was no rule of the House to determine to what list a Bill of that nature should be referred. In former years he believed the experiment had more than once been tried of constituting the Committees, where more than one county was concerned, of Members for different counties. He believed, that it was the opinion of the House that the experiment worked in a most unsatisfactory manner, and ought not to be continued. That, at all events, was the unanimous feeling of the Committee on Railways, because it created a Committee so large and so cumbrous, and so vague, and raised a contest of local interests so disproportioned to the share of public interest, that it was difficult to know how any Private Bill could be dealt with satisfactorily in that manner, much less a Railway Bill, which was to a certain extent a public Measure. The Committee were almost unanimously of opinion, that it was necessary that the representation of local interests in cases of competing Railway Bills should at all events be very materially restricted. It was their opinion, that if the House were to be called upon to depart from its usual course of practice, that the wisest plan would be to ask the House to try an experiment which would be likely to put fairly to the test the principles upon which it was founded, so that when that experiment should have been tried the House would be more advanced in its knowledge, and, whether it failed or whether it succeeded, they would at all events have the advantage of something to refer to as a guide for their future proceeding. The Committee, therefore, thought that in deviating from the usual course of a somewhat large and promiscuous Committee, it would be necessary in reducing the number of the Committees, to appoint them so that there might be a strong sense of individual responsibility; that there might be a disposition on the part of Members of the Committee to take a close and immediate interest in its proceedings, and as nearly as possible to attend throughout the whole of those proceedings. He had described the proceedings of the Committee on Railways as nearly unanimous up to this point. He did not mean to say that the resolutions which had been laid upon the table, and which he now proposed for adoption, were carried without any difference of opinion. Considering the nature of the subject, and the details which it involved, it would be a bad compliment to the Committee if those resolutions had been carried without any difference of opinion, because it would have led to the idea that they had been hastily adopted. Certainly there was considerable difference of opinion; but there was a general and almost unanimous concurrence in the opinion, that the usual course must be departed from—that the number of Members of Committee on that class of Bills must be reduced—that local influence must be a subordinate element in their composition, and that public interests and public motives must be more prominent. But it would be seen that the resolutions went further than the description which he had up to that moment given of them. The resolutions recommended, by way of experiment, the exclusion of local influences altogether. He thought the Members of the Committee would bear him out when he stated that there was a very strong disposition on the part of many Members to arrange, from time to time, something like a limited representation of local interest—to retain the local interest as subordinate, but denying it the predominant power which it now possessed in private bill Committees. The practical difficulties attending the working out of that proposition induced the Committee to abandon it. They thought it their duty to communicate with the highest authorities of the House, and with that Committee which had been appointed by the House for the purpose of superintending the composition of its Private Bill Committees—he meant the Committee of Selection—a body which he believed had discharged its duties in a manner that had tended to win for it, in no ordinary degree, the confidence of the House; and they found, after consulting with such authorities, that to attempt a considerable limitation of local interest would deprive them of the advantages which they sought without conferring others. It was found that the difficulty of selecting a limited number of persons to represent local interests would, in the opinion of the best qualified persons, be almost insuperable. It was apprehended that the jealousies of parties would be excited, and that apprehensions would be raised to a still greater degree if a very narrow and partial representation of local interests were given, than if they had no representation whatever of local interests. Therefore, after mature consideration, the Committee on Railways came to the conclusion which he (Mr Gladstone) unhesitatingly recommended to the adoption of the House, that, upon the whole, looking to the limited sphere on which they proposed to try the experiment with regard to a particular class of Railway Bills, and for the present Session, the best chance of its success would be found in recommending the constitution of Committees for this special purpose on public grounds, and on public grounds alone. The Committee, therefore, recommended in the first instance, that a select Committee should be appointed who would have a very short and simple duty to perform, namely, to go over the list of Railway Bills standing for consideration during the present Session, and to determine which of those Bills should be considered as standing in the category of competing bills. They then proposed that that Committee having so determined the Bills belonging to such class, the Committee of Selection should proceed to provide for the consideration of those Bills in their respective Committees, by the choice of five gentlemen unconnected by personal interests, unconnected by the local interests of constituents with the Bill to be brought under their consideration. Of course he was not able to say precisely in what number of cases this measure would come into operation, but he thought the number of competing Bills would be eight or ten. The form of proceeding upon these Bills—the degree of expense that might be occasioned to the parties, as compared with the expense under the present system—the time that might be occupied in the investigation—the satisfaction which the decisions would meet with in different quarters,—all these were most important elements for the consideration of the House; and he trusted when the experiment had been tried that the House would be in a much better position for considering in what way it would be better to deal with Railway Bills in general, than it was at present. He did not think there was anything further in the resolutions to which it was necessary to advert. They were framed for the purpose of giving effect to the general views which he had stated. He believed he was correct in stating that they conveyed the impression of the Committee. The right hon. Gentleman concluded by moving that the Resolutions of the Committee be read.

Resolutions read. First resolution read a second time; Motion made and Question proposed, "That this House doth agree with the Committee in the said resolution."

Mr. *Labouchere* said, the right hon. Gentleman the Chairman of the Committee on Railways had so clearly stated the views with which the Committee recommended these resolutions that it was quite unnecessary for him to go over the same ground. The most important point involved in these resolutions was much beyond the convenience of dealing with these particular Bills,—it was a question whether the House would try the experiment of conducting the private business of the country upon principles totally different from those which had hitherto prevailed. The principle which it was now proposed to affirm was one of the utmost possible consequence. It was this: to try an experiment at first for special purposes in particular cases, which, if found successful in those cases, might afterwards be enlarged and more generally adopted. The object was to try whether those tribunals could not be so formed as to invest them with somewhat of a judicial character,—whether they could not be purged of all local and personal interest,—and whether, by diminishing the number of members on such Committee, a greater degree of individual responsibility could not be fixed upon them. He was convinced that the best results would follow the adoption of such a course, and that the public would hail it with the greatest satisfaction. The adoption of such a plan would tend to diminish the length of contests upon Private Bills,—would tend to the diminution of that fearful expense to individual parties which those protracted contests had hitherto caused,—and would ensure for the decision of these Committees a greater weight for their known responsibility than Committees upon Private Bills, as at present constituted, could calculate upon. He was not insensible of the difficulties in the way of the successful conduct of this experiment. He was glad to find that it was to be made upon a limited scale, and applied in special instances. The House would be able to see the manner in which it worked in those instances, and would then be able to judge with what degree of confidence it might extend the principle hereafter, if it should be found to work successfully. But there was one point of such importance to the working of the scheme that he could not help calling the attention of the House to it. The right hon. Gentleman proposed to constitute a certain number of Committees upon this new plan. He stated that there were about ten Committees, and these of course would require the services of about fifty Members. The main difficulty in the way of the working of this system would be the danger of not finding Members who would devote their time to the consideration of Private Bills, in which neither they nor their constituents had any direct interest. The successful working of the experiment must mainly depend upon gentlemen, from a sense of public duty, devoting their time to Private Bills under these circumstances, and consenting to investigate them. If the House was really anxious to see the experiment tried, he hoped that Gentlemen would consent to sit upon Committees for Private Bills, and would give their constant and regular attendance in cases where their own constituents were not concerned. They should recollect that they would by this means become exonerated from attending other Committees of more protracted duration, in which they might otherwise be engaged. He was quite sure that hon. Gentlemen who attended to the private business of the House, would feel greater satisfaction in the discharge of their duty, when it could be done without any possibility of suspicion that his judgment was biassed by local interest. He hoped there would be no difficulty in finding fifty Gentlemen who would undertake to serve upon these Committees. It was upon this point that the whole chance of the successful result of the experiment depended; and he had, therefore taken the liberty of calling the attention of the House to it at this moment. He could only say that he gave his hearty support in the main to those resolutions. In some points he did not agree with them, but they were not points of essential importance; in the main spirit and tenour of these resolutions he entirely concurred. They were a great experiment, and a novelty that he was desirous of seeing fully tried. He hoped they would have a fair trial, and he should not despair of this being the first step towards putting the private business of the House on a sounder and fairer foundation. If the House could effect this they would effect a very salutary change, and do that which would greatly tend to raise the character of the House in the eyes of the public.

Mr. *Hodgson Hinde* said, when he first read these resolutions he was of opinion they were a mere experiment; and the remarks of the right hon. Gentleman who introduced them, and of the right hon. Gentleman by whom they were supported, confirmed him in that opinion. Those Gentlemen who sat on the Railway Committee might have had sufficient evidence before them to justify them in coming to these Resolutions; but as far as the body of the House was concerned they had no information whatever to enable them to come to a contrary decision to that to which they had come on former occasions. He did not mean to say that evidence might not be given which would change his mind on the subject; but before he was called upon to give a vote with the Members of that Committee, he was entitled to see the evidence which had influenced them in coming to the decision which had been reported to the House. He thought the House ought to have a little more time for consideration. Notice of these Resolutions was only given on Friday last, and between that day and Monday the attention of Members was least likely to be directed to the subject, and he did hope that at all events the right hon. Gentleman would allow a few days for consideration, to enable individual Members who entertained different views to give counter-notices, if they might think them necessary. The right hon. Gentleman said there were certain Bills before the House to which he wished to apply this principle. Now he (Mr. Hinde) had no objection to the passing of the first of the Resolutions without any discussion. He thought that competing lines ought to be referred to one Committee; but before coming to any general decision on that point he would rather adopt the course proposed with regard to these individual isolated cases. This would be better than to bind the House to any general regulation on the subject; and he would just remind the House that the alterations which had been made, with regard to the standing orders on Railway Bills, had not always been the most felicitous. For instance, one regulation with regard to notices, which was carried almost by universal acclamation, was soon afterwards repealed; and another with respect to the 10 per cent. deposit, it was recommended to rescind. If more time was not to be granted, he called upon the Committee for some explanation of their fifth Resolution. Why was it considered necessary to appoint a select Committee to ascertain what should be considered competing lines? It might in some cases be necessary to appoint a Committee to inquire into the circumstances connected with these Bills, so as to enable the House to come to a resolution upon them; but he thought it would be entrusting too large a power to five individuals, to allow them to determine competing lines. He could assure the right hon. Gentleman that the northern companies never considered the Lancaster and Carlisle railway as a competing line; and he could not see why hon. Members should seek an occasion to declare a line to be a competing one, when the parties interested in the matter made no such objection. He objected to the fifth Resolution more than to any other. He thought that the House ought not to give away its jurisdiction to a Committee, by allowing a Committee to determine the nature of a competing line. He had not the slightest objection to the Resolution now before the House; but, with regard to the others, he intended to move an Amendment if they should be pressed by the right hon. Gentleman.

Mr. *Ewart* heard with the greatest satisfaction the proposition of the right hon. Gentleman, and he believed the House and the country would join with him in that satisfaction. He agreed with the hon. Gentleman who spoke last, in the opinion that when a new principle was introduced, it ought to be worked out; and he entertained not the slightest doubt that the principle of justice contained in these Resolutions would at length be applied to all private business. He felt bound to vote with the right hon. Gentleman the President of the Board of Trade, and his predecessor, and he was only sorry they did not give him their cordial support when he brought forward a proposition on this subject two years ago. On that occasion he had the misfortune to be opposed by the First Lord of the Treasury and the whole power of the Government. He did not blame them for that, nor did he blame the right hon. Gentleman for thus introducing gradually, and perhaps discreetly, a principle which ought to be introduced in all Railway, and all Private Bill Committees. The right hon. Gentleman had alluded to the principle of removing locally and personally interested parties from these Committees, and he thought such a proposition reflected great credit on the Government. He also thought that it was very desirable to diminish the number of the Committee. The right hon. Gentleman did not state that this very principle had been introduced into the House of Lords, and most successfully. He believed that every Member of their Lordships' House would acknowledge that, when they reduced their Committees to five, and ejected every person locally or personally interested, they greatly improved their tribunal. The Parliamentary agents were satisfied that it had worked in a very satisfactory manner, and were of opinion that a similar principle ought to be applied to all Bills before the House of Commons. Such a principle ought not to be confined to competing lines, but ought to be extended to Bills relating to rating and other matters, where not only local but political interests were introduced into the decision on Private Bills; and from this all Committees ought to be purged. If he wanted a high authority on this point, he might refer to that of the right hon. Gentleman the Speaker, who, to his honour, in conjunction with Mr. Greene, was the first person to call the attention of the House to the subject. The principle of diminishing the number of Members in a Committee, of increasing their responsibility, and of removing them from all local or personal interest, was some years ago advocated by the right hon. Gentleman who now filled the Chair in that House; and so highly did he (Mr. Ewart) approve of that principle, that he felt quite certain the Resolutions proposed by the right hon. Gentleman the President of the Board of Trade would be sanctioned, not only by the House, but by the country. He hoped to see the principle extended to the whole of the private business of the House.

Colonel *Sibthorp* thought that the proposed Resolutions required more deliberation than had been bestowed on them. He would not say that it was the intention of the right hon. Gentleman the President of the Board of Trade to take the House by surprise, but he thought that he ought, in justice to the country, to accede to the proposal which he (Colonel Sibthorp) meant to make to the House. It was very well known to the House and to the country, that he had great objections—great suspicions—with regard to these railroads, especially with regard to the manner in which they encroached on private property. The right hon. Gentleman proposed to limit the number of the Committee to five Members, and the right hon. Gentleman the Member for Taunton said, that he highly approved of such a limitation. He (Colonel Sibthorp) did not mean to impugn the character of any one, but he thought it was hardly fair that the great Local interests of the country should be left to the decision of five hon. Members of the House. He should not be surprised if, after what had taken place, the right hon. Gentleman the Member for Taunton were to propose to limit the number of a jury, and to reduce it from twelve to five. He called on the right hon. President of the Board of Trade to grant them a delay of eight days before agreeing to this Report. To attain that object, he would at once move that the "Debate be now Adjourned" with a view to a consideration of the Report that day week.

Mr. *Wallace* thought there could be no doubt that the principle involved in the Resolutions was a good one, and would, if carried out, be the means of ensuring a better Committee than at present. With respect to competing lines, it appeared to him, that they were about to have that principle limited, which was the only safeguard to the country. If competing lines were to be in any way restricted, he should object to the whole of the resolutions. He was, however, decidedly of opinion, that they ought to postpone the consideration of the Report in order that they might have time for further inquiry. Being of that opinion, he would support the Motion of the hon. and gallant Member for Lincoln.

Sir *J. Hanmer* begged to call the attention of the right hon. Gentleman, the President of the Board of Trade, to a subject connected with Railroads. He had that morning received a communication from (as we understood) some of his constituents, stating that considerable alarm and discontent were felt among persons interested in Steam Navigation, in consequence of some attempts which were said to have been made by certain Railroad Companies, to obtain a Power from Parliament to apply a portion of their capital to the establishing of Steam-Packet Companies in connection with particular lines of Railroads. They represented that such a power would interfere very materially with the interests with which they were connected.

Mr. *Estcourt* considered the adoption of the resolutions a total abandonment of the principles upon which they had heretofore acted with regard to a certain class of Bills, but was not averse to the experiment being tried. He thought there would be no difficulty in obtaining Members to act on the proposed Committee, nor would their duty be at all different from that which was performed by the selected Members of former Committees.

Mr. *Stuart Wortley* said, that the fact of the Committee having expressed a decided opinion in favour of these resolutions, had great weight with him, and he was quite ready to agree to the experiment being tried, but at the same time he wished it to be understood, that he would vote on the ground stated by the right hon. Gentleman, the President of the Board of Trade, in his opening speech, and not on those assumed by certain hon. Members. He was prepared to vote for those Resolutions, in order that an experiment might be tried, but he was not prepared to affirm, that the mode of proceeding proposed was the best which could be adopted. It was rather too much to say, that in questions of this description, all local knowledge and experience should be excluded from the Committee; but, recollecting that in consequence of the strong sense entertained of the evils of the previous system, the House had proceeded to regulate the mode of dealing with the Railroad Bills, he had no objection to giving the new method a fair trial.

Viscount *Sandon* believed, that there were one or two points upon which the Committee were not unanimous. He was perfectly prepared to allow a larger infusion of what might be considered as independent judgment into the Committee, but he was not prepared to go the length of saying, that no local influence or knowledge should be allowed in that Committee. The duty of hon. Members was no doubt to look to the general interests of the people, but they were also the representatives of their respective constituents, whose interests they were bound to attend to, either in the House or in the Committee. If they were excluded from being represented in Committee, they had no other alternative than an appeal to the House. He thought that great injustice would be done to the smaller constituencies if they should lay it down as a right principle that all local influence or local knowledge should be excluded. He did not wish to object to the resolutions of the Committee, but he wished to protest against their being considered as bound by them on every occasion. He doubted whether they would be able to find a sufficient number of impartial Members to attend regularly on the proposed Committee. For these reasons he gave a reluctant consent to the scheme then under their consideration. He did not wish to raise any opposition to a plan of which a majority of the House and of the Committee on Railways had approved.

Mr. *Greene* said, that the present system was open to great objection. Under that system they had agents, and witnesses, and counsel, and they had, in addition, the interested parties acting as judges. It was absolutely necessary that they should have tribunals of a more impartial character. They should render those Committees as nearly judicial as possible, and they would by that means render an essential service to the public. That was the principle for which he had for years urgently contended. The hon. Member for Greenock seemed to think, that by the plan then proposed, an end would be put to competition. But if two competing lines were referred to the same Committee, it would not follow that the Committee might not decide that both should be adopted.

Dr. *Bowring* said, the present system had the effect of often placing hon. Members in a very disagreeable position by exposing them to the solicitations of persons representing contending interests. He did not approve of the principle of allowing interested parties to sit on Committees. He was sure that the opinion of the hon. Member for Lancaster (Mr. Greene) was the right one; and that the more they excluded private interests from Committees the more elevated and the less embarrassing would their condition become. It was desirable to give those tribunals as much as possible a judicial character, and a judicial responsibility.

Mr. *Strutt* said, that the noble Lord, the Member for Liverpool (Viscount Sandon) had stated that the adoption of the resolutions then under their consideration would increase the number of appeals from Committees to the House. But he was of a different opinion. He believed that many of the appeals from the decision of Committees were made from a conviction that injustice had been done by those Committees, in consequence of the preponderance of powerful local interests. They had often heard parties saying, that although a majority of the Committee was against them, they had a majority of disinterested Members in their favour; and he believed that such statements had more weight with the House than any other arguments advanced on those occasions. It was because the resolutions before the House would do away with the possibility of such representations, and because they would make the Committees impartial tribunals, that he believed that appeals, so far from being increased, would be considerably diminished by the adoption of those resolutions. Several hon. Gentlemen had spoken of the difficulty there would be in obtaining Members to serve on these Committees. It had been said that five Members would not be found to serve throughout on Committees of the kind. But as he had been for several years a Member of the Committee of Selection, and as he had some experience on the subject, he could confirm the statement of his hon. Friend, the Member for the University of Oxford (Mr. Estcourt); and he could say, to the credit of the House, that they had hitherto found no difficulty in obtaining the services of Members for Committees. He believed that no difficulty would be felt on that head in carrying out the resolutions. He believed, too, that by the adoption of these resolutions the call for the services of Members on private Committees, so far from being increased, would be considerably diminished. He had further to observe, that although some hon. Members had objected to these resolutions, no one had proposed any plan which could be adopted as a substitute for them. He was fully persuaded of the propriety of the resolutions, and he should give them his most cordial support.

Mr. *E. B. Denison* said, that the Committee which had recommended the adoption of the resolutions before the House had not passed over the consideration of the propriety or the impropriety of excluding local influence. In fact, the question had formed one of their difficulties. They had, however, come to the conclusion, that it would be better to exclude local interest from the Committees. He felt persuaded that the public would be better satisfied with the perfect independence of those Committees.

The House divided on the question that the Debate be adjourned. — Ayes 3; Noes 200:—Majority 197.

List of the AYES.

	TELLERS.
Hodgson, R.	
James, W.	Sibthorp, Col.
Wallace, R.	Hinde, H.

[It seems sufficient to preserve the List of the Ayes.]

Resolution agreed to. Subsequent resolutions agreed to.

ROMAN CATHOLIC CHARITIES.] Mr. *O'Connell* would put one or two questions to the right hon. Baronet at the head of Her Majesty's Government, to which he should be glad to receive an answer. The first was, whether it was in the contemplation of the Government to bring in any Bill in the course of the present Session to alter or amend the law respecting the management of Roman Catholic Charities in Ireland, and of property devised for the purposes of Roman Catholic worship in that country?

Sir *R. Peel* entertained a confident and sanguine hope, that Government would be enabled to bring forward, in sufficient time to allow of its passing during the present Session, a Bill respecting the management of Roman Catholic Charities and property devised for Roman Catholic religious purposes in Ireland, with the view of carrying into effect the objects stated by Ministers in the recent debates.

POOR LAW (IRELAND).] Sir *D. Norreys* asked whether, in the Select Committee which, it was understood, would be appointed to inquire into the operation of the Poor Law in Ireland, the general subject of valuation for the purposes of local taxation, as connected with the Poor Law, would be considered? Or, whether the Government would themselves undertake to examine the existing system of valuation in Ireland, with the view of introducing some general measure sufficient for all the purposes of local taxation?

Sir *J. Graham* replied, that the hon. Baronet rightly apprehended what had fallen from him on a former occasion in regard to the appointment of a Select Committee to inquire into the operation of the existing Poor Law in Ireland, the Government, considering the recent date of the law, and the extensive change which had taken place in it last year, were not of opinion that they should originate such an inquiry as that to which the hon. Member had adverted. Still, it had been understood, when the Act passed last year that if it should be the general wish of the Irish Members in that House, and of the Irish Peers in the other, that an inquiry into the operation of the law should take place during the present Session, the Government would not oppose it. To that statement he adhered; and should it appear that a majority of the Representatives of Ireland, of both Houses, desire the appointment of such an inquiry, he, on the part of the Government, would not refuse it. Still, upon the whole, considering the large number of Irish Members now absent at the Assizes in Ireland, it was a question for their discussion, whether it would not be expedient, and conduce to the general benefit, to postpone the investigation until after Easter. With regard to the valuation question, that was an important part of the operation of the Poor Law in Ireland. He had before expressed it as his opinion that it would be advantageous, if it could be effected, that there should be one uniform system of valuation in Ireland, based on the principle of a fair annual rent. But the subject was, as the hon. Baronet well knew, one of great importance and great difficulty, and he had already stated that Government had been in communication with Mr. Griffiths in regard to it; and there was no one more conversant with the subject, or more competent to give sound advice upon it than that Gentleman, and between the present time and Easter, the Government would feel it their duty to enter into further communication with Mr. Griffiths, with the view of arriving, if possible, at the object he had stated—that of providing one uniform system of valuation throughout the whole of Ireland, and that a tenement valuation, based on fair annual value.

PRESBYTERIAN MARRIAGES.] Sir *R. Ferguson* wished to put a question to the right hon. the Home Secretary in regard to a subject which had given rise to considerable discussion and anxiety in the north of Ireland—he alluded to the question of the legality of Presbyterian marriages. The House would be aware that that question had been adjudicated upon in the House of Lords, on an appeal from the decision of the courts of law in Ireland, but they might not possibly be aware that great difference of opinion existed among those who pronounced judgment on the appeal—the Judges and three law Lords having given an opinion against the validity of such marriages, whilst two other law Lords had decided that they were valid. The question he had to put was, whether there was any objection on the part of the Government to lay the judgments which had been given by the House of Lords, for the present and last Sessions of Parliament, on the Table; and, secondly, whether Government had made up their minds to proceed to legislate, and, if so, in what manner, on this important subject?

Sir *James Graham* replied, that the hon. Baronet had rightly stated the opinions of the English Judges, and of the law Lords, relative to the subject of Irish Presbyterian Marriages. He was quite ready to acknowledge that it would be very desirable that the judgments in question should be laid upon the Table of the House, therefore, if the hon. Gentleman moved for them there would be no difficulty in the way of their presentation. As to the second question, he agreed with the hon. Baronet that it was impossible to overrate the importance of the subject. No final judgment had been yet pronounced upon the subject, but upon consideration of all the circumstances, his belief was that the judgment of the Irish Courts would be confirmed. In that case, it was certainly the opinion of Government that legislation would be indispensable. He knew that it was the intention of his colleagues in the other House of Parliament to propose the re-appointment of the Committee of that House which sat upon the subject last Session. It would ill become him to state what would probably be the course of proceeding adopted by that Committee, but he would state that the fullest consideration would be given to the facts of the case, and to any legislative measure which might be proposed.

SUPPLY—ARMY ESTIMATES.] On the Motion that the Order of the Day for a Committee of Supply be now read,

Mr. *W. Williams* rose to bring forward the Motion which he had announced at an earlier part of the evening. No one objected more than he did to bringing forward Motions without giving proper notice; but the time since the Estimates had been submitted to the House was so short, that he was not able to give the ordinary notice of his intention. If, however, any objection should be taken, in point of form, to his amendment, he would not press it. Looking, then, at the Estimates before him, he must say that he was much astonished at the amount proposed. He had examined the Army Estimates since the time of the battle of Waterloo down to the present day, and he found that the number of men proposed for the service of this year was larger than had been provided for in any one year since 1818. He must confess that when he saw the tranquillity of the country, and the vast amount of the forces proposed to be maintained, he was much astonished. The number proposed for the Army this year was 129,677 men, to which might be added 10,000 embodied pensioners, for whom provision was to be made. Artillery and engineers 8,811 men; Marines on shore 6,000 men; Irish Police 9,000 men; thus making altogether an effective military force capable of being called into action at any moment of 163,488 men, and this, after twenty-eight years peace, and when we were on friendly terms with every nation of the earth. He would maintain that the Irish Police was really a military force, and he had the evidence of Major Browne, the military inspector of that force, in support of the fact. This Gentleman stated that the Police was "one of the most noble forces that ever was seen. I am satisfied that they will do anything that could be expected from the bravest men. I wish I was out of Dublin at the head of such a force, for I believe that there is not a man among them that would not arrest the Pope or the Archbishop of Canterbury, if necessary." Now, the Lord Lieutenant had the power of augmenting this Police force to any number he thought proper, without reference to any Vote of this House. Hon. Gentlemen opposite might not be aware of this—but the power was conferred by the 6th of William IV., chap. 12, sec. 13. He would now pass to the non-effective force. There were first the Yeomanry, amounting to 14,263 men; the Militia on half-pay and those on service numbering 6,000 men; general and other officers on half-pay, 4,574. The non-effective privates of the regular Army amounted to 51,777 men, deducting the 10,000 pensioners; the retired Artillery on pensions to 8,586 men. Then there were the Marines, amounting to 6,000 men, the Metropolitan Police, and the Borough and County Police. The Police might be armed, and some of them had, in fact, been sent armed to South Wales. He made the non-effective force amount to about 102,590 men, which, when added to the regular army, made altogether the number of men amount to 266,078. He would ask, if the maintenance of such a force as that was at all to be justified? Looking at the state of the country, and the extreme suffering of the great mass of the people, upon whom the weight of taxation must necessarily fall to support this enormous force—looking at the increase of taxation which had taken place within the last ten years, which amounted in the whole to not less than 8,000,000*l.* sterling—looking at all those things, he asserted, that if they were determined to maintain such a force, it was impossible that they could give up the Property Tax next year, according to the promise given by the right hon. Baronet at the head of the Government. They were expending the 8,000,000*l.* of increased taxation in supporting this large and unnecessary force, and other extravagant expenditures. In 1822 and 1823 the average amount of the Military force was 92,000 men, independent of the Artillery, Engineers, and Marines. In the present year the regular Army amounted to 129,677 men; and taking the embodied pensioners to the amount of 10,000 men, the increase of 2,500 men the Royal Marines, and the 9,000 Irish Police, he found that there were about 59,000 effective men this year more than the average of 1822 and 1823. What, he again asked, was there in the condition of the country to justify this increase? The average of the army in 1836 and 1837 was 101,000 men, in the present year the increase of the effective force over that average was about 41,000 men. For the last twenty-four years, from 1820 to 1843 inclusive, the average of the Army was 108,735 men, and comparing that amount with the present effective force, including the additional Marines and Pensioners, &c., the excess of the present year was upwards of 33,000 men. He thought it the duty of the Government to show to the House the grounds on which this increase was proposed. He had expected this year that there would have been a considerable reduction on the numbers voted last year; and the right hon. Baronet opposite on that occasion stated that there was a difficulty in reducing the number, as a large amount of force had been required for the war with China; but that in the course of the year a reduction would be made. At present there was no war with any country excepting it was with Ireland; but even that circumstance was not sufficient to account for the increase in the present year. At first, on looking at the Army Estimates of the present year, he thought there had been a diminution in the Expenditure. The cost of the Army last year amounted to 6,225,000*l.*; and it appeared this year to amount to 5,984,000*l.* There appeared then to be a reduction of about 241,000*l.* But on inspecting these Estimates more closely, he found that there was a sum of 202,000*l.* transferred from the Army Estimates last year to the Commissariat department. [Sir *H. Hardinge*: "It is so stated in the last page."] Yes; but he naturally looked at the first page, and so on, in examining those Estimates. He certainly could not withhold from the hon. and gallant Gentleman the credit which he felt was due to him for the manner in which his accounts were set forth. He could not find any complaint with these accounts, as they appeared perfectly plain and intelligible. He was, however, convinced, that no case could be made out for this increased demand now to be made upon the country. They ought to appoint a Committee to examine closely into those details, as it was impossible that the House could arrive at any satisfactory conclusion upon the matter. In a Committee the facts could be ascertained. Another point of great importance which a Committee could inquire into was that regarding the cost of the Life Guards, which appeared to him to be astounding. Admitting that the Life Guards were necessary for attending upon Her Majesty, there could be no justification for their costing 130*l.* each man per annum. There was no ground for the vast increase in the cost of the Foot Guards over the Regiments of the Line. There were three Regiments of the Foot Guards, and the number of men was 5,253. The cost in the various charges attendant upon them amounted to no less a sum than 58,400*l.*, more than the amount necessary for the same number of Regiments of the Line. The amount of pay given to these Foot Guards beyond the Regiments of the Line created much discontent and dissatisfaction among the latter. One of the Lieutenant Colonels of the Guards received 1,200*l.* a year, and two of them received 1,000*l.* a year each; but in the Regiments of the Line forty-eight Colonels received but 600*l.* a year, and fifty-four only 500*l.* a year. This he thought was a most unfair disparity, when it was considered how much severer the duty was of the commanding officer in the Regiments of the Line to what it was in the Foot Guards. Generally speaking the latter did not perform any colonial service; they were not sent to India for a period of fourteen or fifteen years, nor were they exposed to the same dangers and vicissitudes of climate as the former. The Majors of the Foot Guards received 1*l.* 3*s.* per day, when those of the Line only received 16*s.* The Captains in the same proportion 15*s.* 6*d.* in the former, and 11*s.* 7*d.* in the latter. The soldiers of the Guards received 1*d.* per day more than the soldiers of the Line. If this difference be made, the soldiers for the Guards should be chosen from other Regiments for their good conduct and general merit. They had 11,000 men receiving extra 2*d.* per day for good conduct and long service. These were the men of whom the Guards should be composed. By the adoption of such a system as this there would be a saving to the country of a very considerable sum. He disapproved, too, of the manner in which the soldiers were clad. He did not consider that they were consulting the comforts of the soldier by permitting the Colonels to have the privilege of supplying the clothing rather than having it done by contract. What was the object of allowing such a practice, but to give the Colonels profits? Those officers, he thought, ought to be remunerated in a more honourable way than to look for profits from such a source. The Artillery were not clothed in the same way; but by the Ordnance Department. The Yeomanry Cavalry, too, he thought should be abolished. They were a body of men who as soldiers, were perfectly ridiculous, and were laughed at by the people. He saw last year at Harrowgate, publicans and shopkeepers belonging to a Yeomanry Corps serving their customers with mustacios on their upper lip. He had been told that when one of these regiments was brought out and exercised, the officer in giving the word of command was particular in cautioning the men "not to cut off their horses' ears." This force seemed never to have been of any use, and he was convinced, that in any time of danger, it would be no protection whatever. As to bringing them in aid of the Civil Force, he was happy to find that Government had had too much good sense and feeling to make use of them for that purpose for many years past. They were out in Staffordshire last year, but kept at a pretty good distance from the rioters, or matters would have been much worse. He could point out a great number of items of expenditure not called for by the wants of the public service, or justified by the state of the country. It was true that the people were in a better state, that there was not so much distress and depression in some branches of trade as there was twelve months or two years ago; but he was very much afraid that the present improved state of the country was not of a lasting character, and therefore he called upon the right hon. Gentleman, the Chancellor of the Exchequer, not to allow himself to be misled by the present cheapness of money, as it did not arise from the exchanges being in favour of this country. He saw from the returns lately made that there was a great excess of gold in the Bank of England, but this arose from, and was produced by, the vast quantities of light sovereigns which had been paid in, and not from the balance of trade. A return just made showed that in about a year and a half, up to the 1st of January last, 11,000,000*l.* of light gold had been paid into the Bank of England, and he had no doubt that since the Proclamation which ordered the disfigurement of light gold had been promulgated, the increase had been greater in proportion. He would therefore advise the right hon. the Chancellor of the Exchequer, not to make his estimates from the present condition of the Bank of England, but to look forward to periods of depression, which were as certain as that night followed day, and which he feared were not very distant. The right hon. Baronet at the head of the Government had said, he would give up the Income Tax after next April twelvemonth. [Sir *R. Peel*: I have never made such a statement.] The right hon. Baronet had distinctly stated he only required the Income Tax for three years. [Sir *R. Peel*: No, no.] He was very much mistaken if the right hon. Baronet had not held out the expectation that the Income Tax was only required to cure the disordered state of the Finances at that time, and, as he (Mr. W. Williams) had understood the right hon. Baronet, he stated it would require three years to bring the state of the Finances round. At any rate, the right hon. Baronet only asked for the Income Tax for three years. The right hon. Gentleman the late Chancellor of the Exchequer, proposed to make good the deficiency by totally different means; and, if successful, by means infinitely less oppressive than the introduction of an Income Tax. He begged leave to move, that these Estimates be referred to a select Committee of the House before they proceeded to a Vote to-night; but, as he had stated before, if any hon. Gentleman objected to his doing so on the ground of not having given sufficient notice, he would not press his Motion.

Sir *H. Hardinge* said, that he should

be extremely sorry if the hon. Member should conceive that he was inclined to treat any of his remarks with anything like discourtesy. On the contrary, he wished to have an opportunity of answering hon. Gentlemen on some points; and it was well known that the most proper time for doing that was in a Committee of Supply, when various questions could be put and answered in a way which could not be done whilst the Speaker was in the Chair. He was sure the hon. Member would be of opinion that, so far as business was concerned, that was by far the most practicable form of proceeding. As to the Committee inquiring on the subject of the Clothing of the Army, that matter was debated in 1833, when Mr. Hume agreed that the clothing was better performed under the colonels of regiments than by general contract. As to the other points into which the hon. Member had moved for a Committee to inquire, a Committee sat for two years expressly to inquire into the force necessary for the public service. It sat in 1834 and 1835, and the hon. Member would find a vast variety of very good information in the reports of that Committee. The right hon. Gentleman in the Chair was one of the Members of the Committee. It consisted of members distinguished for capacity and intelligence, and they came to certain resolutions, which he (Sir H. Hardinge) had before him, as to the force which ought to be kept up in the colonies. He could assure the hon. Member that there was scarcely one single colony on which that Committee had reported in which there was not, at the present day, a smaller force than there was at that time. The hon. Member had also stated that he wished the Committee to inquire into the Yeomanry Cavalry, but all these subjects could be discussed in a Committee of Supply quite as well as in a Committee above stairs, and if the hon. Member would permit the House to go into a Committee of Supply, he would find that that was by far the most opportune method of discussing the questions.

Mr. *Williams* would not divide the House.

Motion withdrawn. Order of the Day read.

On the question that the Speaker do now leave the Chair,

Mr. *H. Baillie* rose to ask whether the right hon. Baronet had any intention of bringing the subject of Military Pensions under the consideration of the House? If the right hon. and gallant Officer should be enabled to give an answer in the affirmative to that question he should most willingly leave the subject in his hands, and should not proceed with the motion of which he had given notice.

Sir *H. Hardinge* said, that the subject to which the hon. Member had called the attention of the House was certainly one of very great importance, as it concerned the provision to be made to the soldier when no longer able to perform his public service. He was, at the present moment, under the arrangement for paying pensioners, collecting a vast variety of useful information, by which more accurate data would be obtained, and by which Government would have the means of forming a more correct opinion on the subject of military pensions. He had every reason to believe that the course which they were about to take was that which the preceding Government intended to take—viz., to obtain every possible information, and then to ascertain by a scientific calculation on what system pensions ought to be given. They were now in the course of obtaining this information, and all he could answer for was this, that without pledging himself, in any respect, or exciting expectations which might end in disappointment, that as soon as the information was collected it was the intention of the Government to bring the whole subject under the consideration of the House.

Viscount *Howick* expressed his regret at what had fallen from the right hon. and gallant Officer opposite on the subject of Army pensions. The right hon. and gallant Officer should have been prepared to state to the House, after being two years in office, some decided opinion. It was very well to say that he wished to create no expectations, but we all knew that the answer which he had just now made to the question asked of him, in the manner in which it had been asked, was calculated to raise expectations, which, if not hereafter fulfilled, might be extremely inconvenient and dangerous. He thought that the right hon. and gallant Gentleman should either have been prepared to state that he did mean to maintain generally the payment of pensions as at present regulated; or, on his own responsibility, as one of the Ministers of the

Crown, he should have come down to the House and recommended some distinct alteration. One or other of these two courses he (Lord Howick) thought would have been the proper and right course in the situation in which the right hon. and gallant Officer now stood; why he had adopted a different course he was totally unable to conjecture. He could not allow this short conversation to pass without expressing his great regret that, in answer to a question of this nature, now having stood on the books for a considerable time, asked in the manner in which it had been asked, distinctly pointing to some increase of pension, the right hon. and gallant Officer should have given an answer which left this matter undecided and vague. Having had some little experience in office, he could take on himself most distinctly to state that there could be no difficulty of the kind to which the right hon. and gallant Officer had alluded, with respect to information. It was now nearly five years since he (Lord Howick) had left the War Office. Even at that time great part of the information necessary for any change in contemplation would have been obtained in a short time; and that in the period which had since elapsed, there could be any difficulty in obtaining all the *data* necessary for the most complete and perfect examination of this question, and every part connected with it, was altogether impossible. Therefore, he said again, that the House and the country had reason to complain of the right hon. and gallant Officer, because he found, that when in office, it was difficult, consistent with his duty, to do those things which he had urged in opposition, and wished rather to put the question by altogether. He confessed it did appear to him that the manly and straightforward course would have been that the right hon. Gentleman should have taken one line or the other on this subject, and not have left it in abeyance in the manner he had.

Sir *H. Hardinge* did not think he was at all subject to the taunts which the noble Lord had thrown out. He had stated his belief to be, that the late Government intended to take some such course as that which he had taken; and his authority for saying that, was a letter of the noble Lord himself, which he had left in the office as a record of his opinion. In that letter he distinctly stated, that he expected to collect statistical information, on which, when received, he recommended that the provision for pensioners should be taken into further consideration. The noble Lord expressly stated, that he wished to obtain information for that professed object. Was it not likely that, coming into office, he should feel all the difficulties of the question as strongly as the noble Lord; at the same time having his own opinion, but perceiving that the last act of the noble Lord, before he went out of office, was to recommend this course? The noble Lord now turned round, and taunted him with not having given a more manly and straightforward answer. The noble Lord must be aware, that whatever might be his (Sir H. Hardinge's) feelings on the subject, he had abstained from bringing forward the question at the request of individuals high in the Government of the day. He had, on all occasions, supported Her Majesty's Government on the Army Estimates, and had declined to bring forward the question as to pensioners. He had strong feelings on the subject. When called upon to give evidence on Committees, he did not conceal his opinions, but he thought it was prudent not to bring the matter before the House. Whatever might be his opinions, as a Member of the Government, it was his duty, more guardedly than ever, to bring the question before the Government for their consideration; and if, therefore, he took the course which the noble Lord had chalked out in the letter which he had left, as the recorded expression of his own wishes, he was not at all amenable to the taunt which the noble Lord had thrown out.

Viscount *Howick* hoped, as the right hon. and gallant Officer had spoken a second time, that the House would indulge him in a few words in reply. He admitted that the answer would have been perfectly well-founded if it had been made last year, or the year before, instead of this year. There might be a difficulty about statistical details five years ago which could hardly continue to be put forward now. The right hon. and gallant Officer was perfectly aware that his letter was not with reference to a projected general increase of pensions, but was with reference to a scheme to which he attached great value—of facilitating the discharge of men at an early age from the Army and placing them upon the registry for deferred pensions.

Dr. *Bowring* regretted that the hon. Member for Coventry had withdrawn his Motion, and that estimates of such great importance, involving the application of so large a sum of public money, were not referred to a Select Committee for further examination. Two nights were occupied in the discussion of the Navy Estimates; the attention of the House was not called to the details, and the same thing appeared to be about to happen as to the Army Estimates. Generally speaking, neither these nor the Navy Estimates could receive the attention to which they were entitled. He wished the course to be followed here which was adopted in a neighbouring country, where every matter was referred to Special Committees charged with the investigation of all the details; not a sum was voted as to which evidence was not taken as to its necessity, nor was a single vote introduced to the Chamber till it had undergone a thorough preliminary investigation. One night the House had voted away five millions, and to-night they would vote away six millions. He did not think that they properly discharged the functions of legislation by allowing votes to be adopted in the way in which they were adopted in the House. Some opprobrium attached to both sides of the House. Six millions, or one-eighth of the public revenue, was to be disposed of in the presence of one-eighth of the whole House of Commons. He wished that his Friends whom he saw above, would lend more of their assistance. He had understood that the presence of strangers at the Bar was recognised; he for one always looked upon the publicity of the Debates, as one of the great securities for the good conduct of Members, and he only wished that the Public were better informed as to what passed. He had been very much struck with an observation of Mr. Cobbett, when a Member of the House, that the most important topic of paying taxes was sure not to excite the attention it ought to excite—that if more attention was directed to it, the public money would not be voted as it was. His hon. Friend, the Member for Coventry, might have acted judiciously in withdrawing his Motion, because something of irregularity was attached to his proposal, but he should be glad to find it a general rule that matters of this sort were to be submitted to a Select Committee before they came under the notice of the House.

Mr. *S. Crawford* desired shortly to call the attention of the House to the unconstitutional nature of the immense standing army kept up for the home service. It appeared that there were 48,809 rank and file in the United Kingdom. He estimated the officers for that force at 6,000, which made the regular army amount to 54,809. Adding thereto the pensioners, 10,000, and the volunteer force, 14,000, make an army of near 79,000. The Irish constabulary, which was to all intents and purposes, a Standing Army, amounted to 9,000, which made the whole of this force combined, 87,809. There were other military and marines of the amount of which he had no knowledge. There was a military force kept within the United Kingdom to the amount of 88,000. He would ask the House and the Government, was it necessary to have a force of that amount within the United Kingdom? If it was necessary, why was it necessary? Were the people of the United Kingdom disloyal to the Sovereign? He was perfectly convinced they were not; he was perfectly convinced there never was a Sovereign on the Throne of these Realms to whom the people of every part of the United Kingdom were more attached. Were they disloyal to the Constitution? They were not so; they were only desirous to obtain the full benefits of the constitution. Then was it necessary for the protection of life and property, that this army should be kept up? If you said, that it was necessary for the protection of life and property, then he asked, how came that necessity to exist. How did it happen that you could not secure life and property in this realm without keeping up such an army as that? The reason was this, that justice was not done to the working classes. He did not now speak of political rights; he spoke of the condition of the working classes. He said, that this Government, and this Legislature, did not do justice to the working classes; they did not consider the wants of the poor, nor did they provide for the wants of the poor as they ought: they legislated for other interests than the poor man's interests, and the consequence was, that the poor man was discontented, and the consequence of that discontent was, that the Government was obliged to keep up that unconstitutional amount of force. In the 15th century, the working classes were deprived of the right they had in the land, which was given to the rich; but, as a compensation, they obtained a Poor Law, which worked for their benefit. But what had been done since? They had broken faith with the working classes, they had deprived them of those rights which had been conferred upon them when their right in the land was estranged, and they were now told, that they could not obtain relief in any other manner than one which was revolting to their feelings. Still they maintained the Corn Laws, which greatly enhanced the price of the food they were obliged to eat. That was one of the great crimes which the Legislature had committed against the poor and the labouring classes—it was one of the causes of the insubordination which occasionally manifested itself, and then it was made a pretext for keeping up such a large military force. The taxation, which in former times was paid by the rich, was now imposed upon the poor; yet, this large force was to be maintained at their charge, and they were not to be allowed even to grumble. What was the reason they were now obliged to keep such an army in Ireland? They had imposed upon that country a most iniquitous Poor Law—a law which was repugnant to the feelings of all classes—a law which tended to shake that benevolent feeling upon which the poor had formerly subsisted, and drove all applicants for relief into a Poor House, which was abhorrent to their feelings. Surely it was no wonder that discontent should prevail, and that a very large army was rendered necessary for the purpose of levying the rates, from which the people derived no benefit [*Question.*] He was speaking to the question; he was showing why it was that they were obliged to keep up such a large Standing Army. They were giving the people education—he valued it much; but he would tell them that if they educated the people, without, at the same time, affording them the means of improving their condition, they would only add very greatly to the discontent which already existed. The injustice done to the suffering people was the cause of their asking for so large a force. It would be wholly unnecessary if the people were treated fairly and honestly. A large Standing Army was not required in the time of Alfred. The time was when the Sheriff, with the *posse comitatus*, was able to keep the peace; but dare they now entrust him with the duty unless they backed him with troops of soldiery? He would not object to the volunteer system if the corps were raised from the body of the people; but he protested against the present system, as the Yeomanry Corps were composed entirely of one class, and that a class which was hostile to the working classes. It was the duty of the Representatives of the people to withhold from the Government an excessive military force, and by that means force them to consider and redress the grievances of the people. It was the duty of hon. Members of that House to make a stand against the demands of the Government, but he was afraid that he could not hope at the present time to make an effective one, because he was not supported by Members on his side of the House as he ought to be. If the large minority which voted upon the party question the other night would stand up upon that which was a far more important question to the poor throughout the country, no Government could withstand him. No individual could fight the battle unless he met with support both in that House and out of doors. He had mooted the question of the large and expensive Standing Army out of doors, and he was free to admit that there had not been such an exhibition of feeling on the part of the people as he had expected. Still he considered it to be his duty to move as an amendment,

> "That the large amount of Standing Army, and every description of military force, now kept up for the service of the United Kingdom of Great Britain and Ireland, are contrary to the principles of constitutional liberty, and dangerous to the rights of the people."

Dr. *Bowring* had much pleasure in seconding the amendment of his hon. Friend. In his judgment, with a popular Sovereign, a popular Executive, and a popular Legislature, there could be no necessity for a large Standing Army. He had, only a few nights ago, presented a Petition signed by upwards of 1000 of the inhabitants of the town he had the privilege to represent, complaining of the waste of money in keeping up such a military force. They protested, and he protested in their name, against such a waste of the money which was wrung from the poor. Out of doors, he would warn the House, there was a growing discontent against that House and its prodigalness. There were millions of discontented people out of doors who were displeased with the conduct pursued by those who were called the Representatives of the people. It was their duty to allay that discontent before it was too late.

Mr. *Fielden* said, it appeared to him as if the hon. Gentlemen who were so anxious to vote away some millions of money, had totally forgot where the taxes came from. The large amount of force which was demanded by the Government was rendered necessary by the criminal neglect of the condition of the working classes by Government and that House. They were going to amend the Poor Law Bill—it was impossible; they could never make it acceptable to the people. It was brought in and supported on the plea that it would raise the wages of the labouring poor, and render them independent in character. Had it done so? Had wages been raised? Let the conflagrations which were, unfortunately, now so numerous throughout the country, answer. He warned the House that they were on the borders of a volcano; they must retrace their steps; they must put the working classes in an easier state, or Government and order would be at an end. The cry was always more force; the moment they got more force, they raised the cry of more taxes, and when they got more taxes, then they wanted more force again. There must come an end to such a system. He thought the people were right to insist upon their Representatives stopping the Supplies until the grievances of the people were considered and redressed. He would vote for the amendment.

The House divided on the question that the words proposed to be left out stand part of the question.—Ayes 87; Noes 8: Majority 79.

List of the AYES.

Arbuthnott, hon. H.
Arkwright, G.
Arundel and Surrey, Earl of
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Browne, hon. W.
Bruce, Lord Ernest
Chetwode, Sir J.
Clerk, Sir G.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Collett, W. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Dawson, hon. T. V.
Dick, Q.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Howick, Visct.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Langston, J. H.
Layard, Capt.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Marton, G.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Nicholl, rt. hon. J.
Paget, Col.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rawdon, Col.
Rushbrooke, Col.
Scarlett, hon. R. C.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H. M.
Trench, Sir F. W.
Trotter, J.
Vivian, J. E.
Wellesley, Lord C.
Wood, Col. T.
Wyndham, Col. C.
Young, J.

TELLERS.

Baring, H.
Freemantle, Sir T.

List of the NOES.

Blewett, R. J.
Butler, P. S.
Elphinstone, H.
Fielden, J.
Plumridge, Capt.
Scholefield, J.
Wawn, J. T.
Williams, W.

TELLERS.

Crawford, S.
Bowring, Dr.

House in Committee.

Sir *H. Hardinge*, in bringing forward the Army Estimates for the ensuing year, said he should take the usual course of stating the causes of the difference between the present Estimate and that of last year. It was not for the sake of keeping up a Standing Army at home, that the Government asked for a large force, and he would show the hon. Member for Rochdale opposite that the real cause was the necessity of affording relief to our troops abroad. The Vote was for 100,295 rank and file, and non-commissioned officers, exclusive of the force employed in the East Indies, 29,971 men, making 130,266. A corresponding Force must always be kept up at home to relieve troops abroad. In 1842 the Force was 122,516, and it was then the intention of Government to make a reduction; but scarcely had the Estimates passed when the events that took place in Cabul compelled them to send six battalions of 1,000 men to the East; these regiments had only completed four years' service at home. In 1843, a reduction of 2,000 was made. Government had contemplated a reduction of 3,500, and this intention would have been pursued, but such was the state of India, that notwithstanding the increased number of battalions sent out, the Governor General could not send home the regiments that ought in regular course to be relieved. These circumstances, combined with events that made it necessary to take measures for the preservation of public tranquillity at home, prevented Government from following out its intention to make the larger reduction he had stated. He might remind hon. Gentlemen who cavilled about expense, that a part of the expense was borne by the East India Company. The expense of nearly 30,000 men in the East Indies, amounting to nearly 1,000,000*l.*, sterling, was defrayed by the Company. Every Government had sanctioned the principle that ten years abroad and five years at home ought to be the order of service. He would now proceed to prove to the hon. Member opposite that the large Force kept up was not for the sake of maintaining a Standing Army, but to afford relief. In 1842, there were twenty-five regiments at home, and seventy-eight abroad. In this state of things it was impossible to keep up the requisite reliefs. No less than twenty-two regiments were abroad that year which had served more than ten years in the Colonies, exclusive of eight or nine regiments in the same situations in the East Indies. There were, in all, in 1842, thirty-two or thirty-three regiments that had served abroad more than ten years. Government felt it a duty to relieve these regiments. Between 1837 and 1842, an additional force of 21,000 men had been raised by Lord Melbourne's Government in consequence of various events, such as the insurrection in Canada, the hostilities in India and China, &c. Of the twenty-five regiments at home in 1842, scarcely any had been at home more than three years and a half, while more than thirty regiments were, serving upwards of ten years abroad. The course taken was to convert nine dépôts into nine second battalions, and to send them abroad, to relieve troops in the various Colonies. By the assistance of these battalions, and by withdrawing 5,500 men from North America, and one regiment from the West Indies, seventeen battalions were sent abroad, and twenty-two regiments in the Colonies withdrawn. It was satisfactory to be able to state that in consequence of the measure adopted in 1842, there was not at present in the Colonies a single battalion which had been more than ten years abroad. This, unfortunately, was not the case with respect to the troops in India. There were now in India regiments which had served more than eighteen years abroad, and six regiments that had served more than twenty years. There were thus in India fourteen regiments which had served more than fifteen years in that country, and it was, therefore, important both for the health and discipline of the men, that they should be more regularly and periodically relieved. This object could not be accomplished, without keeping up an adequate relieving force at home, and he was, therefore, justified in repeating, that the object of Government was not the maintenance of a Standing Army in this country, but the necessity of proper relief to our soldiers serving beyond the seas. Take the case of some of the regiments in the East Indies, for instance. There was in that country, among other regiments, the 13th Infantry, commanded by Sir R. Sale, which after serving in the Cabool campaign, and defending most heroically the fortress of Jellalabad, was after twenty years service in India now on its march to Scinde, where, in all probability, it would have to perform very heavy duty. It was the same with the 55th, now in Hong Kong. That regiment had been twenty-two years abroad. Was it right or proper that such things should be? Arrangements had been made, however, to relieve these regiments, and he trusted that the latter would be on its return to this country in the course of the next autumn. Without the means of sending regiments from England, it was obvious that this relief could not take place, and, therefore, he (Sir H. Hardinge) claimed the support of the House for the propositions he should submit to them on the subject. There were now thirteen regiments which had returned from abroad, some of them since last November. These regiments generally arrived deficient in strength, from sickness, casualties, and other causes; and it was, therefore, absolutely necessary to recruit them and make them effective. A large proportion of the Estimates about to be laid before the House was for these recruits. With regard to the Army at home, he had to inform the House, that out of thirty-six battalions, not one had been in this country four years. Her Majesty's Government had now at home thirty-six battalions instead of twenty-four, which was the number at home in 1842; and thus they were enabled to relieve the regiments on foreign stations with more regularity. It was for that purpose, and not for the purpose of keeping up a Standing Army, he could assure the House that they were maintained. The hon. Member for Coventry had stated, that the country should return to the condition of the Army in 1822; but the hon. Member had forgotten to state, that it was an admitted fact, on all hands, that the force of that year was insufficient. Lord Castlereagh had come down to the House and said, in reference to it, that although the Government had consented to make the experiment of a large reduction in the Army, at that period it was absolutely necessary to increase the force in the ensuing year. The consequence was, that in 1823 the Army had to be increased by six new regiments, and, in 1825, the addition amounted to 25,000 men; an increase over and above the 21,000 reduced in 1822 of 4,000. Another bad consequence which accrued from that mode of reduction was the entailment of a very heavy expense on the public, by the half-pay and pensions of those officers and soldiers who had been reduced, and the bounties for the latter who had to be newly enlisted. It also deprived the country of the services of some valuable officers, while it nearly ruined others by inducing the necessity of repurchase. Then, with regard to the year 1836. The hon. Member said, that the Government of Lord Melbourne had kept up in that year only 101,000 men, while the force for the present year was 129,000; making a difference of 28,000 of all ranks. But if the hon. Member looked to the distribution of the forces in the colonies this year, as compared with that, he would find abundant reason to justify that increase. In India, there were 8,151 more rank and file than in 1836, in China, which was a new service, there were 3,000, in Australia 2,364, and there were other additions in various places to the amount of 20,000 men in all. There had been, however, a reduction of 5,000 men in the force of this year as compared with last on foreign service — in the Mediterranean, 1,794: in Jamaica, 1,300; in the West Indies, 200; in Ceylon, 716, &c. Taking that from 20,000, the real addition made to the Army abroad was 15,000 men. It had been urged that this augmentation was to create a Standing Army, but what object could be gained by increasing the force in Australia, or at the Cape of Good Hope. In the former, officers were living in a state of wretchedness as compared with their mode of life in this country, or at better stations; at the Cape, unfortunate subalterns were stationed 300 miles up the country, with no one to speak to. Could Her Majesty's Government have any object in exiling these gentlemen, except the public service? In 1824, the force in Australia was 400 men; this year it was 5,000. There were, at this moment, 50,000 convicts in that country, while the whole number of free settlers did not amount to 150,000. In Van Diemen's Land, the convicts outnumbered the free settlers. It was requisite that the lives and properties of the latter should be protected, and thence the necessity of the increased force. Having, as he trusted, shown the House that Her Majesty's Government were entitled to support for bringing about more frequent relief to the troops in the colonies, and on foreign service, he should next advert to the arrangements of the forces of the line at home. Instead of twenty-five battalions, which was the number at home on the present Government coming into office, there were now thirty-six; and twenty-two, which were abroad, had been relieved. In the course of the ensuing year, he trusted that a large proportion of the twenty-three regiments in India would also be duly relieved. With regard to the other questions of the hon. Member for Coventry, as to the charge of the non-effective forces, inclusive of the general officers, he begged to remind the House that most of these gallant men were now old, and some of them very infirm. No less than forty-seven of them had died within the past year, and he was sorry to say that few of the survivors were in a condition to fit them for active service. In 1822, the number of general officers was 396; in 1844, it was 171, making a difference of 225. In 1822, the officers retired and reduced upon full pay, was 771; in 1844, it was 360, making a difference of 411. In 1822, the reduced and retired officers upon half-pay and military allowance numbered 9,744; in 1844, they were 4,035, making a difference of 5,709. In 1844, the officers receiving foreign half-pay were, in number, 466; while in 1822, they were 1,108, being a difference of 642. There were then, in all, officers receiving pensions:—

In 1822	12,019		£1,651,000
1844	6,032		909,000
Reduction of Officers	6,987	Reduction of Pensions	£742,000

This was a large reduction in that part of the Estimates, in which the patronage of a Government could be most effectually exercised. If to that reduction was added the reduction in the Chelsea Hospital, and ordinary pensions to Negro soldiers and Militia, it would be found that while in 1822 they were in number 98,000, in 1844, they were only 73,101, making a difference of 24,899 in numbers, and in expense of about 320,000*l.* On these two items alone the pensioners, the half-pay officers, and the general officers, called the dead weight of the Army, but which he (Sir H. Hardinge) should rather call the non-effective service, there had been a reduction equal to a million sterling a year—a reduction, too, it should be stated, which was not merely annual, but which would go on increasing in a large ratio each year. Was not that a strong proof of the manner in which the present Government—and he would say, former Governments—had endeavoured to keep down the expense of the Army. Having stated these facts, he should proceed with the ordinary parts of the Estimate. The Estimate for the first Vote which he should propose was, 100,295 men; the Estimate for the second, which depended upon it, was 3,431,000*l.* for their payment and expenses, being 191,859*l.* less than the Estimate of the last year. That diminution, however, he was bound to inform the House was more apparent than real, as it principally rose from the transfer of the provisions, forage, fuel, and light abroad, as well as the passage of officers and men from one foreign station to another, to the Commissariat and Navy Estimates. In 1836 there had been a transfer of the former of these items from the Commissariat to the Army Estimates; but last year an inquiry was instituted, and the result was the re-transfer this year to the Commissariat. In point of principle it was much the better plan to place every ordinary service under the Army head, but the mode of putting provisions, &c., into the Army Estimates was not by any means free from objection in practice. Her Majesty's Government, under these circumstances, were of opinion that the preferable arrangement was for the Commissariat to take the Estimate for the supply of provisions, &c.; and he fully concurred with the Duke of Wellington on the propriety of maintaining that department of the Public Service. There was another item to which he should beg to call the attention of the House, namely, the libraries which had been established for the use of each regiment. This year there was 2,000*l.* proposed for books for them. There were now thirty-eight libraries at home, and forty abroad, in the several regiments; and one had been recently sent out to Hong Kong. In fact, there was no foreign station which would be without a library, or which had not a library at present. He had also to mention the lunatic asylum for officers at Chatham. The spot on which it was placed was not a healthy one, nor fit for the purpose intended, and the Government had accordingly made arrangements to purchase the ground for another in the neighbourhood of Rochester. The third Vote related to the staff. After noting and explaining several items of the Estimates the right hon. Gentleman concluded by saying, he had now gone through the whole, and he would repeat that it was the most anxious wish and desire of Her Majesty's Government to give the House all the information possible upon the subject. The right hon. Baronet moved—that a force (exclusive of the troops employed in the East Indies) of 100,295 men be maintained for the service of the United Kingdom of Great Britain and Ireland from the 1st of April, 1844, to the 31st of March, 1845.

Captain *Layard* said, no doubt it would be in the recollection of the House, that for the last ten years, upon the Army Estimates being brought under discussion, he had thought it his duty, a duty he owed to the service to which he had the honour to belong—to state his opinion of the immense advantage it would be that men should be allowed to enlist for limited service, and receive a free discharge in ten years, as by such means a very superior class of men, he had no doubt, would be induced to enter the service, and by such means, a great deal of the crime which was now committed would be avoided. There was no greater or graver offence against military law than desertion, and that would, he felt convinced, be much less frequent when those who had enlisted, without consideration, and found themselves unfitted for the service, were assured that at a certain time, by good and steady conduct, they could claim a discharge. In the French service desertion was not so frequent as in ours, and it entirely arose from their having only to serve for a limited time, for no soldiers in the world, he was happy to state, had more care taken of them every way than ours. He felt convinced that the parents of young men in the middle classes would not then feel that aversion which was felt against allowing their sons to enter the service: for then, if a boy entered at eighteen and received his discharge at twenty-eight, he would be able to apply himself to any other calling, which would not be the case if he left the service at a later period of life. It had been stated as a reason against limited service, and it seemed at first sight an insurmountable one, that great expense would be incurred by sending home any considerable body of men, supposing the regiment to be abroad; but he considered the expense so entailed would be fully and amply provided for by those who had enlisted for limited service receiving no pension; and he believed that most of the men would remain with the regiment and would re-enlist finding themselves much better off abroad than at home, though of course, more exposed to the vicissitudes of climate. His opinion upon this subject was founded not only upon his own observation, but had been since confirmed by the opinion of many able officers, to whom he had spoken upon the subject: and he believed few, if any, would disagree with him, when they remembered that one, whose judgment upon such a subject must be one of the best, and whose anxiety for the well being of the soldier all must appreciate, agreed with him when he stated the same opinion last year. He alluded to the right hon. Baronet the Secretary at War. He, therefore, wished to ask that right hon. and gallant Officer, if there was any chance of its being carried into effect? In the second place, he wished to ask the gallant Officer if it was in contemplation to increase the bounty with regard to the infantry soldier, as he was most thankful to learn had been done in the case of the cavalry, as, from its inefficiency to supply the soldier's necessaries, the recruit, finding himself in debt had often deserted, believing that good faith had not been kept with him. The next thing he wished to call the attention of the right hon. Baronet to was, the advantage that would arise from making the band sergeant, the master tailor, and corporal, the pioneers belonging to the staff, and giving ten more sergeants and one corporal to each regiment, as the companies to which those men belonged could receive no advantage from them, on account of their time being otherwise fully employed. He thought it would be a great encouragement, and one that was well deserved, if the lance sergeants and lance corporals were to receive—the first, three pence a-day, and the second, two pence a-day extra. They had an immense amount of duty to perform; and many of them having to attend school and to pay for it, it threw them into debt. He trusted this would meet with the consideration it well deserved. He must now allude to a subject that was a very painful one to all who were interested in the welfare of the Army—he alluded to the pensioners. A man receiving sixpence a-day might, indeed be a saving to the Poor Rate, but could be of little benefit to the man himself. He knew the soldier thought deeply, and felt deeply upon this subject, and he did trust that an alteration should take place. A sailor would get a pension now of a shilling a-day after twenty-one years' service, but it would take a soldier twenty-eight years' service, which few ever could perform. The badges for good conduct brought forward by the noble Lord the Member for Sunderland had proved of great advantage, and both for that boon, and for the greater allowance of fresh provisions to the troops in the West Indies, the Army felt grateful. He begged to thank the right hon. Baronet and those in authority at the Horse Guards for bringing forward the Savings Banks, which he believed would have in time an excellent effect; though he was sorry to say that a feeling had gone forth amongst the men, that the Government had formed Savings Banks to find out what the men could save, with a view to reduce the pay. Nothing could be more ridiculous; and he trusted by this time the men were disabused upon this notion. He thought praise was due to the gallant Officer the Member for Liverpool who had warmly advocated this Measure, as well as his noble Friend the Member for Chichester. He wished likewise to call the attention of the right hon. and gallant Officer, the Secretary at War, to the great hardship felt by married officers in not being allowed to draw coals and candles, when in lodgings; for instance, a non-commissioned officer, upon being given a commission, if married, which he generally was, must go into lodgings, and how could he live on his pay there, his allowances being stopped? He thought it was a great hardship, and hoped it would be soon attended to. No feeling had actuated him upon such an occasion but the one that would, he felt assured, actuate all, both in and out of the House, a sincere and an anxious desire, at all times, taking into consideration the resources of the country to promote the comfort, the happiness, and the well-being, of those who undismayed by the vicissitudes of climate, undaunted by the sword of the enemy, maintained, as they always had done, the glory and independence of the counrry.

Sir *H. Hardinge* would endeavour, as briefly as possible, to give an answer to the question which had been put by the gallant Officer opposite. He doubtless was aware that the plan of giving a free discharge after certain periods of service, and affording facilities to obtain discharges, was established in the year 1829. He (Sir H. Hardinge) felt a great interest in that mode, because he always considered it cheap and useful, and one which reconciled private families to their sons entering the Army. It had had that effect, and taking into consideration the number of men who had received free discharges, and also making a fair calculation of the saving of pensions on the single item of the warrant of 1829, there had been a saving of nearly half a million. He believed the actual amount was 497,000*l.* With respect to bounties, he believed that the bounty and equipment for a cavalry soldier were now sufficient to pay all the expenses of a recruit. With regard to staff-surgeons, the expense was rather heavy, and the Chancellor of the Exchequer would scarcely be a party to the arrangement proposed. On the subject of Savings Banks, he felt bound to say that arrangements for them were in progress when he came into office; and whatever credit was due to those who established them belonged to his predecessors. If any soldier deposited his savings in these banks it would not at all affect his pay. His pay would not be altered, and those who imagined so were labouring under a very great error. With respect to coals and candles, he so far agreed with the gallant Officer that every possible arrangement had been made to carry the plan into effect.

Mr. *W. Williams* was far from being satisfied of the necessity of the large force proposed. The right hon. Gentleman had pointed out the necessity of shortening the period of the soldiers' servitude abroad. The right hon. Gentleman naturally felt for the service, and only looked at one side. He (Mr. Williams), however, looked at the condition of the people who were so heavily taxed to maintain this force. It was true there was at this moment less distress than was seen some time ago, but he was afraid the people would soon be in as bad a state as before. There was nothing to justify the keeping up of so large a number of men, and he therefore proposed as an Amendment, that the number be 80,295 instead of 100,295, being a reduction of 20,000 men.

Viscount *Howick* did not rise for the purpose of supporting the proposition of the hon. Member for Coventry, because he did not think it would be at all politic to make such a reduction as the one now proposed; but he did not consider the proposition of the right hon. Gentleman to be justified by the necessity of affording relief in our colonial possessions. He certainly admitted, that the pressure on the Infantry was stronger than it ought to be; but still if the demand at home, and especially in Ireland, were not so large, this object might be accomplished without keeping up so large a force; and even with that large force, he was of opinion, that in justice to the soldiers of the British army means ought to be taken still further to diminish the pressure of that service upon them. Several measures might be adopted with that view. In the first place, he retained the opinion, which he long ago expressed, that much might be done by diminishing the proportion of each regiment at home. He was persuaded that more efficient dépôts might be formed by having two companies instead of four. But beyond this he could not help saying, that while the demands upon the Troops of the Line were so heavy, it was very unfortunate that another description of force, upon which the pressure was much less, were not required to take a greater share of duty than they were at present. When he (Viscount Howick) filled the office of Secretary at War, at the time the insurrection broke out in Canada, and when there was an increased demand for troops in the Colonies, he pressed upon Lord Hill the propriety of sending out as a portion of that increased force two battalions of the Guards. That course was adopted. The Guards had now come home, and he was not aware that any other portion of that force had since been sent to our colonial possessions. He was far from saying the Guards ought to take a share of colonial duty like the regiments of the line, but so far as service at such a distance was concerned, and in healthy climates, they might do something. He thought that two battalions of the Guards might be kept abroad, in the Mediterranean, as a regular arrangement. The officers in the Guards had a great advantage over those in the line, inasmuch as they rose to the rank of general officer much more rapidly, and any one in the habit of looking at the brevets could not fail to notice the circumstance, and it was not unreasonable to expect them to take some share of foreign duty. If two battalions were kept abroad, the only effect would be this, that two years out of seven would be passed by them in perfectly healthy colonies. Something might also be done by having a larger proportion of marines, and if a battalion of these were employed in the Mediterranean or at Gibraltar, it would tend to diminish the amount of colonial duty. The hon. and gallant Officer who spoke from that (the Opposition) side of the House adverted to the subject of pensions, saying that it was hard that a soldier retiring after long service, and entirely worn out, should receive only 6*d*. a day. He could not allow it to be said, that that was a fair representation of the case. That was not the amount to which a really worn out soldier was entitled. It was easy to say, that a larger and more liberal pension ought to be granted; but he hoped, before adopting any such plan, the Government would consider the state of things with which they had to deal a few years ago, and the grounds on which the change took place. Formerly the practice was this:—A soldier had no right to retire on a pension, unless he was unfit for further service. If pronounced unfit for service by a medical board, after serving for twenty-one years, he might retire on a pension of 1*s*. a day. That regulation was liable to great inconvenience. A multitude of men only thirty-nine years of age had the right to claim this pension. A man was not allowed to claim it unless disabled; but his pension was within a small amount of his regular pay; and he naturally desired to receive 1*s*. for doing nothing, rather than 1*s*. 2*d*. or 1*s*. 3*d*. for going through the fatigue of service. The moment the men passed that age, and on representation being made, that they were unfit for longer service, they were discharged. The hon. and gallant Member himself, when Secretary at War, under the Duke of Wellington's Administration, felt the evil so strongly that he endeavoured to check it. He adopted a regulation to prevent a man retiring at the age of thirty-nine, unless he were *bonâ fide* disabled, and no longer fit for duty. He established the rule, that the certificate of the regimental surgeon should no longer be sufficient; he required that the man should go to Chatham, remain there a certain time and obtain a certificate of his unfitness, and then he required him to appear before the Commissioners of Chelsea Hospital, previous to obtaining his discharge. Even these regulations were found to be inefficient. When the man wanted to go he generally contrived to elude all these precautions. In a letter addressed by a very able medical officer to the right hon. and gallant Member, the Secretary at War, it was stated that men who had never had chronic rheumatism, invariably found themselves attacked by it the moment they reached the age at which they became entitled to a pension, and that numbers had become qualified, on the ground that they suffered from chronic rheumatism. In this manner the Pension List became a growing burthen to the country. According to that system a man who had served his twenty-one years might for thirty years receive a pension nearly equal to his pay as a soldier, and an undoubted proof of the extent to which the abuse was carried was to be found in the fact, that a large number of these pensioners were found to a certain extent to be fit for military duty. [Sir *H. Hardinge*.—Not for service in the Army.] No; for duty of a different description, for the performance of which the right hon. and gallant Member had organised them to serve for a period of five years. The modified warrant had not come into operation, and great difficulty was found in checking the practice, and it was perfectly notorious, that large numbers of men who had been discharged, on the ground of their being afflicted with fatal complaints, such as consumption, were drawing pensions from the fund. His right hon. Friend had endeavoured to guard against this abuse, by providing that the pension of 6*d*. a day only should be granted when the soldier was unfit for active duty in the Army, and could largely contribute towards his own maintenance. If not capable of doing anything to maintain himself, it appeared, that his pension could be increased to the same amount as it was under the former warrant, and that he would be entitled to 1*s.* a day. It was a delusion, therefore, to say that his right hon. Friend had provided that a man should be discharged from the Army, after he was entirely worn out, with a pension inadequate for his support. Another evil under the former system was one with which the noble Lord, the Member for London, was much struck when he was Paymaster of the Forces, and, as such, was a member of the Board of Commissioners of Chelsea Hospital. Men repeatedly came before the Board whose characters, according to the report of their officers, were bad; yet these men, however notoriously bad their characters might be, were entitled to their discharge and pension after the regular period of service; and although their disability might have been the effect of drunkenness, still, if they had never fallen under the sentence of a court-martial, the Commissioners had no power to refuse them the same pension as that enjoyed by the best and most deserving soldier. To check that abuse, and, at the same time, to increase the pension to the good soldier, he, when Secretary at War, suggested, with the full concurrence of the late Lord Hill and the military authorities of the Horse Guards, that what was called good-conduct pay should be given to the soldier. The soldier whose conduct had been such as to entitle him to it—whose name did not appear in the defaulter's book, obtained on his discharge the good-conduct pay in addition to his pension, and became entitled to receive 1*s.* 2*d.*, and sometimes 1*s.* 4*d.* a day. These facts ought to be considered before they condemned the measure formerly adopted. In his opinion, the country ought to be very jealous of any measure which went to increase the expense of the dead weight of the Army. Much might be done to better the condition of the soldier. They might improve the terribly inefficient barracks in many of our distant Colonies; they might still improve the provisions which they receive in those climates, and they might carry further measures for facilitating an easier discharge of men from the Army; this last improvement would encourage parents to send their sons into the Army, for at present if a young man entered the Army he was seldom able to return from abroad to visit his family. Though he was aware there were strong prejudices against such an alteration, he yet hoped the right hon. and gallant Gentleman would turn his attention to it. In doing so, however, he entreated him not to adhere to the warrant of 1829. One part of that warrant was very objectionable, that part which enabled a man, after certain periods of service, to obtain his discharge, and a gratuity on his discharge. He had proposed, that instead of a gratuity, the soldier should have the right to have his name registered at Chelsea with a view to afterwards being entitled to his pension. There was another point to which he wished to call the attention of the House, namely, the change made in the Estimates of this year as to the mode of charging the expense of provisions for the troops serving abroad. The manner in which this change had taken place was rather extraordinary. He thought the right hon. Gentleman ought to have laid on the Table of the House the Treasury Minute, and any other documents which could show the propriety of the change. In the absence of any such documents, he disapproved of the change, not merely because the whole charge did not now appear in the Estimates, but because he thought the charge was not a proper one under the head of the Commissariat Department. He must say that the administration of the Commissariat Department had always been, in his opinion, both under Gentlemen on his side of the House, as well as under Gentlemen opposite, in the highest degree unsatisfactory. It had fallen into the hands of a certain number of the clerks of the Treasury who performed the duties without any proper supervision, and without knowing much about the business, and the consequence was that the health and comfort of the troops were materially neglected. He would state to the House some startling facts on this point. From statistical accounts of the Army laid on the Table of the House, when he held the office of Secretary at War, it appeared that during the twenty years following the peace, that was up to 1835, the annual mortality of our troops in the West Indian command was, on an average, 93 out of every 1,000 men; the annual mortality of the Forces at home being only 15 out of every 1,000, No doubt this great mortality in the Windward and Leeward Islands was the inevitable consequence of the climate. But when they found that the total number of deaths in the troops employed in the West Indies for the twenty years following the peace amounted to no less a number than 6,800, not one of whom was killed in active service, but all perished from disease, a danger requiring more real courage to face than actual war—when they found that such a number had perished from the effects of the climate he thought they would agree with him when he said that every prevention which human prudence could dictate ought to be taken to reduce that mortality to its lowest amount. What would the House think when he told them that during the last twenty years it had been the routine practice of the Commissariat to issue salt provisions to the troops in those Colonies five days in the week? Now, without being a medical man, but knowing the tendency which salt provisions had to create thirst and to increase the disposition to drunkenness, he must say he thought that to give our troops in the West Indies salted provisions five days in the week was a system the most injurious to their health. It was common sense to suppose that it was injurious, and he knew, from a careful examination of the reports of every medical officer in the West Indies, that they confirmed his view of the subject. He had, however, a stronger case. Would the House believe that during the six years in which we kept up a large garrison in St. Helena, when Napoleon Bonaparte was a prisoner, no fresh provisions whatever were issued to the troops, their uniform food consisting entirely of salted provisions. What was the consequence? Diseases of the stomach and dysentery, which medical men agreed in attributing to their habitual use of salted food, prevailed among the troops, and the annual mortality among them during the six years was no less than 34 in every 1,000, being rather more than double the rate of the mortality among the troops who were kept in this country. It appeared, too, that that great mortality must have been owing to the treatment which the troops received; for during the same six years only one officer out of sixty-three had died of disease. It was further remarkable that whenever the troops were employed on any special service, during which they had an opportunity of eating fresh meat, they enjoyed good health; so that there they had the most undoubted evidence that it was to the manner in which the troops had been provisioned that that fearful mortality should be traced. It was, no doubt, true that in the Island of St. Helena fresh provisions were very dear. But he would ask the House whether they would begrudge any little additional expense that might be necessary to preserve the lives of British soldiers? He was sure that there was not one Member of the House who would regret any expenditure that might be necessary for such a purpose. It was a remarkable fact that that system of giving the troops salt provisions had been adopted in cases in which, so far from being an economy, it was the very reverse. He found, that to troops in the Mauritius salt provisions had been issued on alternate days, although fresh meat could have been had at the time actually cheaper. The same system had also been in operation in Gibraltar, although there also, fresh provisions would have been the cheaper of the two. He could show the House, that not only as regarded the comfort and the health of the troops, but also as regarded expenditure, the administration of the Commissariat Department, when unchecked by the Treasury, had been exceedingly injurious. That was no party question; and the statements he had made, concerned equally the government of Lord Liverpool, the government of the Duke of Wellington, and the Reform Government of the year 1830. It was not individuals whom he blamed, but the system, a system which placed the important duty of managing the supplies of provisions in the hands of persons who had no other military business to discharge. The correspondence with the medical officers and with the officers commanding the troops did not pass through their hands; there was a division of authority and of responsibility; and that had led to the melancholy results he had detailed. The effect of the change made in the year 1836—but which change had since been unmade by the right hon. and gallant officer—the effect of that change was to apply a partial remedy at least to the system of which he complained. By the plan of the year 1836 all the accounts with respect to the provisions of the troops, came to the War Office; they were there closely scrutinized; and the result of that scrutiny in the very first year in which these accounts had been sent to the War Office, was, that it was found that an unnecessary expence had been incurred by the faulty arrangements for provisioning the troops. With these facts before them, seeing that for a long series of years, under Governments of the most opposite politics, the management of that business exclusively by the Treasury, had been satisfactory to the degree he had described—seeing that the change which had been made in the year 1836, although not so complete as he could have desired, had supplied a partial remedy, and had enabled the War Office, to impose a considerable check on the prevalence of abuses, he doubted the policy of reverting to the old system. Under the now existing arrangement, the War Office could know nothing of the price of the bread issued at the different stations, and would therefore have no means of checking the expenditure in that respect; and yet, it was only by a knowledge of such details that any improvement in the general management of the Commissariat Department could be effected. He should not, however, trouble the House by any further allusion to those subjects; and he had only, in conclusion, to express his determination to support the original proposition of the right hon. and gallant Officer.

Mr. *P. Howard* said, that he should on that occasion vote with Her Majesty's Government. He entirely approved of the suggestion of the noble Lord who had preceded him, that battalions of the Guards should be stationed in Gibraltar and in Canada. He believed that such an arrangement would be attended with beneficial effects among the people of Canada, inasmuch as it would be a mark of their connection with the British Empire.

The *Chancellor of the Exchequer* did not mean to enter into a discussion of the military topics introduced by the noble Lord, the Member for Sunderland. But as the noble Lord had made some rather severe observations upon the Commissariat Department, and upon the arrangement for managing the business of that department, which had of late been introduced, the House would, he hoped, allow him to state the principles upon which that arrangement had been founded. He should, of course, be ready to lay before the House, the Treasury Minutes respecting the arrangement in question; and when the Commissariat Estimates came before the House, he should be prepared to discuss the propriety of the mode of proceeding. The Commissariat Department was strictly a Department of Accounts, and in that respect, it came directly under the control of those who had the management of the financial concerns of the country. He was perfectly confident that the establishment of the Commissariat Department on the footing on which it now stood, had, without impairing the comforts of the troops, contributed to the saving of an enormous amount of public money. That saving was owing, he believed, to the establishment of the connection between the Commissariat Department and the Treasury. The noble Lord objected to the change. But the change was one which appeared to him not to be in any degree improper. It was perfectly true, that, previously to the year 1836, the rating and the pecuniary allowances in lieu of them, had been provided for in the Vote taken for the army extraordinary, which Vote had been administered through the Commissariat Board. In the year 1836, it had been thought proper to abolish altogether the Vote for the Army Extraordinaries, and then it had been deemed advisable to regulate the expenditure of the several departments on two distinct principles—the one was, that the War Office, the Ordnance and the Commissariat, should each take the whole expenditure for its own Department; and the other principle was, that every Department should be held responsible for the performance of the duties that devolved upon it. But that arrangement had not been fully carried out until the present time, when the transfer of the rations from the Army to the Commissariat Department had been carried into effect. There had been at first three distinct Votes taken for rations in the Estimates for the Army Extraordinaries, for the Ordnance, and for the Commissariat; and those three Votes had all been under the control of the Commissariat Board, which had to divide the sums allowed among each of these three Departments. But that arrangement had led to great inconvenience, as it had been found very difficult, if not impossible, to determine the expenses. and to apportion out the allowances to those different departments. It had been found impossible, for instance, accurately to decide upon the amount of the expenses of transport in each case. The present Government had therefore determined on leaving the accounts relative to the expenses for rations to one general department. The consequence was that they had now an uniform system; and that appeared to him to be a far better plan than to separate the Estimates. One consequence of separating them was, that it was impossible to arrive at any accurate calculation as to the amount of those Estimates. There were no other means of coming to any conclusion on that subject than by taking the expenditure of the preceding year. But that was a very fallacious test; whereas, under the present system, much more accurate information was obtained by means of the accounts furnished by the officers of the Commissariat Department, who were acquainted with the prices of provisions in any particular year in each country. He had further to add, that those officers had, as far as he had any means of judging, discharged their duty in a most satisfactory manner. He believed that the system now in operation had contributed both to the purposes of public economy, and to the great end of securing, as far as possible, the comfort of the troops.

Mr. *F. T. Baring* said, that he should leave it to military authorities to decide whether the present system of managing the business of the Commissariat Department was or was not satisfactory. He was bound, however, to say that he had never met with officers more intelligent and zealous than those of the Commissariat Department. When the charges referred to were made under the head of "Army Extraordinaries," those Estimates contained many things that did not legitimately belong to them. During the war these Extraordinaries were necessary; but, during a time of peace, there were many of the Estimates under that head which would have much better come in other services. One of the first things he did when he came into the Treasury was to remove the item of "Payment for the Church in Canada" from the Army Extraordinaries. He would press upon the Government to give to the Secretary at War the same power of checking which had formerly existed, and then it would not much matter under which head of Estimates any particular Vote might come. The accounts of the Commissariat would be kept all the more correctly for the check. He should like to be informed, if the improved system which had been recommended by a Commission some time ago had been extended to the Ordnance, as it had previously been to the Army and Navy accounts.

Sir *J. Hobhouse* trusted the gallant Officer opposite would hesitate long before he made any change in the arrangements of 1832. The scale of pensions fixed at that time was settled after the fullest deliberation, with the full consent of Earl Grey's Cabinet. He trusted that no false impression would be allowed to go abroad with respect to the sixpenny pension. When that pension was granted there was still labour left in the soldier sufficient to assist him in gaining his livelihood. Of course, if the gallant Officer found that the former calculations had been made on insufficient data, he would be perfectly justified in making an alteration, but he implored him to hesitate before taking such a step. He had always held that a certain confidence should, in regard to these matters, be reposed in the Ministers of the Crown, and thought that discussions on such subjects should not be encouraged.

Sir *H. Hardinge* had stated only that it was his intention, in the performance of his duty, to lay before the Government, as soon as he should have collected it, certain information respecting the longevity of pensioners, and various other circumstances having reference to their condition, which by means of officers stationed in various districts, he had been enabled to accomplish in a satisfactory manner. He had carefully abstained from pronouncing any opinion as to whether the warrants ought to be altered or not. Ninety-nine soldiers out of a hundred were discharged because they were no longer able to march with 60lbs on their shoulders. They had no option. He could prove that some of the best soldiers in the Army, who had three marks, would only receive a shilling a day after twenty-seven years service. Out of 27,000 men in the Army in England there were only two men at the present day who had served twenty-eight years.

Dr. *Bowring* objected to so large a Vote for the Army after a peace which had endured a quarter of a century. He entertained a strong feeling on the subject, and wished to minimise the Army. He would therefore support the amendment of his hon. Friend in favour of reduction.

The Committee divided on Mr. Williams's amendment. Ayes 12; Noes 114: Majority 102.

List of the Ayes.

Bernal, Capt.
Blewitt, R. J.
Brotherton, J.
Crawford, W. S.
Duncombe, T.
Elphinstone, H.
Fielden, J.
Hastie, A.
Scholefield, J.
Thornely, T.
Trelawny, J. S.
Wawn, J. T.

TELLERS.
Williams, W.
Bowring, Dr.

List of the Noes.

A'Court, Capt.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Arundel and Surrey, Earl of
Astell, W.
Baillie, Col.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Bentinck, Lord G.
Bernal, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Bruce, Lord E.
Cardwell, E.
Chetwode, Sir J.
Clive, hon. R. H.
Colborne, hn. W. N. R.
Collett, W. R.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cowper, hon. W. F.
Cripps, W.
Damer, hon. Col.
Davies, D. A. S.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Fitzmaurice, hon. W.
Flower, Sir J.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Glynne, Sir S. R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grimston, Visct.
Grogan, E.
Hamilton, W. J.
Hanmer, Sir J.
Hardinge, rt. hon. Sir H.
Hawes, B.
Hay, Sir A. L.
Hayes, Sir E.
Heathcote, Sir W.
Herbert, hon. S.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Hope, hon. C.
Hope, A.
Hope, G. W.
Howard, P. H.
Howick, Visct.
Hussey, T.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Layard, Capt.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Marsham, Visct.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Nicholl, rt. hon. J.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Rawdon, Col.
Rendlesham, Lord
Rushbrooke, Col.
Russell, J. D. W.
Sanderson, R.
Sandon, Visct.
Seymour, Sir H. B.
Sibthorp, Col.
Smith, rt. hon. T. B. C.
Smollett, A.
Somerset, Lord G.
Stuart, H.
Sutton, hon. H. M.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Wellesley, Lord C.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, H. R.
Young, J.

TELLERS.
Fremantle, Sir T.
Clerk, Sir G.

Original proposition agreed to.

House resumed, Committee to sit again.

House adjourned at a quarter past twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 5, 1844.

Minutes.] Bills. *Public.—Received the Royal Assent.*—Actions for Penalties on Gaming Discontinuing; Offences at Sea; Metropolis Improvements.

Private.—1ª· Lascar di's Naturalization; Spartali's Naturalization; Schuster's Naturalization.

Received the Royal Assent.—Sang's Naturalization.

Petitions Presented. By the Lord Chancellor, from Samuel Gray, for Inquiry.—From Denbigh, against Union of Sees of St. Asaph and Bangor.—By the Earl of Yarborough, Lord Brougham, and the Earl of Devon, from Kilburn, and 11 places, against Alteration of the Corn Laws.—From Pockley, and 38 places, for Agricultural Protection.

Tenure of Land (Ireland) Commission.] The Marquess of *Clanricarde* rose to put some questions to his noble Friend (the Earl of Devon) on the subject of what was generally known as the Landlord and Tenant Commission in Ireland, at the head of which his noble Friend was placed. He did not think that it would be necessary for him to make any Motion on the subject. He was anxious to know to what point the labours of the Commissioners were really directed. On the first occasion when his noble Friend addressed the House on the subject, he understood that the object of the Commission was to obtain information into all the existing relations between Landlord and Tenant. But he did not hear how far it was intended to institute any inquiry into the law as it affected the Tenure of Land. Since that time, a circular letter had appeared in the papers from the Secretary of the Commission in which it was stated, that although the Commissioners had no power to adjudicate upon questions between landlord and tenants, still, that with respect to any matter of contract between landlord and tenant, the Commissioners were ready to hear any particular cases, so far as they might tend to illustrate the practical effects produced under the operation of the existing law as regarded the whole subject. It was with reference to that point that he meant to submit a particular question. Since the time to which he alluded another question had been asked, in answer to which, his noble Friend was represented to have said that he was directing his attention, even while necessarily detained in this country, to an examination of the information which was already before both Houses of Parliament as to the Laws affecting the connection of Landlord and Tenant in Ireland. His noble Friend was further represented to have said, for he (the Marquess of Clanricarde) was not present at the time, that it was proper to adopt that course, because it was necessary that the Commissioners should make themselves thoroughly acquainted with all the circumstances connected with the subject, and with the nature of the existing law, with reference to an alteration of which the responsibility of making suggestions might devolve on them. Now, their Lordships would see that the two answers were different; that they related to two different points;—not unconnected with each other indeed—both points of great importance, and involving matters demanding extensive consideration, and questions of considerable difficulty; but still the one differing from the other. He was much surprised that his noble Friend should have made such a statement; for he hardly knew how his noble Friend could hope to proceed satisfactorily through so extensive and varied a field of inquiry all at once. He must say —and he said it with all respect for the ability of the noble Earl and his Colleagues —that he should regret if they proceeded to a digest of the laws, or to recommend alteration of the laws on the subject of Real Property in Ireland, because it was a subject of great importance, and required the greatest legal knowledge. He might be told that nothing seriously affecting property would be attempted by the Commission. In that case, the Commission was, on the other hand, a delusion on the people; for there had been created in the public mind the most extraordinary and pernicious notions of what the Commission was to do and undo. A great cry had been raised in England as well as in Ireland respecting Fixity of Tenure, and he thought the appointment of this Commission had tended to keep up this cry. It was supposed, that they would proceed in such a manner as must necessarily lead to the reduction of rents. Why, every thinking man, every man of sense, must know, that if the landlord were to give up all claim to rent, and the tenants in possession were to have the land in fee, there would be no diminution of the general misery, and certainly no increase of the national wealth. The Commission had no power to alter the Law of Real Property; and when hopes were held out that by their intervention, the most extraordinary and the most beneficial effects must be produced, it was nothing but a mockery and a delusion. He conceived that the appointment of the Commission was worse than useless; and he thought so, because it kept alive in Ireland the erroneous notion that its labours would have the effect of immediately lowering rents, and that the most beneficial effects must speedily follow. He could imagine nothing more perfectly false or illusory. The appointment of the Commission had also propagated and kept up the idea that exorbitant rents, exacted by the landlords, rendered such a proceeding necessary. To those who were well acquainted with the subject, it was unnecessary to say, that a grosser error could scarcely be imagined. The consequence was, that the newspapers were filled with paragraphs of a most mischievous tendency. In illustration of this he might mention, that early last winter a paragraph originated in a local Irish paper, and went the round of all the other papers, to the effect, that a noble Lord, a Friend of his, had lowered his rents 10*l.* per cent., and the cry was, "Dear me, this arises from the Commission; see what good it has done!" A fortnight after another paragraph appeared, in which the writer expressed his deep regret at finding that the former report was wholly unfounded; and all parties combined in lamenting the circumstance. Why, one would have thought that to be consistent they ought to have rejoiced at it—they ought to have pointed at it as a proof that there was no necessity to lower the rents. Those who knew the noble Lord to whom he alluded—and he had that honour—knew that a better man or a more excellent landlord did not exist, or one that was further from endeavouring to exact exorbitant rents. But, unquestionably this Commission had had the effect of keeping up the notion in Ireland, that many of the ills of that country were to be traced to the grasping conduct of the landlords—that their labours would lower the rents, which was a delusion — and that, if the rents were lowered, the whole mass of the people would become prosperous. But the greatest objection perhaps, which he had to this Commission was, that it was pleaded in bar of all other measures for the improvement of Ireland. There never was a better opportunity than the present for the Imperial Parliament to turn its attention to Ireland, with the view of affording employment to the great mass of the population. Never was there a moment at which the Government could raise money for that purpose with more advantage than at the present time; and therefore he regretted exceedingly, that instead of adopting really beneficial measures, Ministers had contented themselves with the appointment of a Commission which was more calculated to do mischief than to effect good. One question he wished to ask his noble Friend was, whether the Commissioners contemplated any alteration of the laws which would affect leases or covenants between landlords and tenants entered into previous to the Commission? Another question was, whether the Commissioners intended to make a report upon the proportion which rent bears to the value of land in different parts of Ireland? It was exceedingly difficult to pronounce an opinion upon the question of rent; at the same time, as an Irish landlord, he should be glad if something were said upon that subject, because an opinion prevailed too generally that Irish landlords received exorbitant and disproportioned rents. Such an opinion had arisen from misapprehension with respect to various surveys and valuations which had been made in Ireland for particular purposes, and which, therefore, ought not to be taken as any authority for forming an opinion upon the question of rents, or the rate at which farms should be let. Another question which he should ask his noble Friend was, whether the Commissioners intended to report the whole of the evidence which might be offered? It was, of course, very easy to get up a case when one side only was heard. He was quite sure, however, that his noble Friend and his brother Commissioners would closely examine every case which might be brought before them; not with any view of determining upon the conduct of individuals, but entirely with the view of seeing how the present law permitted or enabled oppression to be practised, or how grievances might be best redressed. But still that was a matter which, in a country like Ireland, ought to be dealt with with extreme delicacy; for, if landlords made statements against tenants and tenants against landlords, and those statements were to be published, the Commission might go on to an interminable length of time without being able to come to any generally satisfactory conclusion. The greatest objection which he had to the Commission was, that it was pleaded in bar to every practical measure for improvement in Ireland, everything must wait until it was seen what the Commission said, but there never could be a better opportunity than the present for introducing these improvements. In that country there was a great population steeped in poverty and idleness—a state of things disgraceful, not to the landlords, but to the Imperial Government. There never was a better opportunity for the Imperial Government—and here he disclaimed all party allusions, he meant not to speak particularly of the present Government,—there never was a moment more advantageous for the Imperial Government to turn its attention to Ireland with a view of finding employment for a great mass of its population—employment or emigration. Of the deplorable condition of the vast mass of population there was ample evidence before their Lordships already, and they needed no more. At the present moment British capitalists did not know what to do with their money; but if Government would encourage them they would readily make advances for the purpose of improving Ireland, and there never was a time at which money could be obtained so easily for that purpose. At this time the greatest efforts ought to be made for the improvement of Ireland. Therefore it was that he regarded this Commission as a barrier to improvement. Besides that, it had given rise to exaggerated notions, which he wished to see dispelled. In some places in Ireland people thought the Commission would settle the question of rents; in others it was supposed that disputes about property would be settled. The questions he had to put were—firstly, whether the Commission contemplated an alteration of the law so as to effect leases and covenants entered into previous to the issuing of the Commission? Secondly, whether they contemplated a report as to the proportion of rent to the value of land? and, thirdly, whether they proposed to report the whole evidence taken before the Commission?

The Earl of *Devon* said, he felt quite assured that their Lordships would not expect him to answer the first two questions which had been put by the noble

Marquess, who, upon reconsideration, would himself see that it would be unbecoming to do so in the present stage of a Commission which had been issued just about three months. The Commissioners were still busily engaged in pursuing their inquiry, and their Lordships must see that it would not be proper for him, standing alone in that House, to state what the intentions of the Commissioners were with respect to any particular part of the subject upon which they would hereafter have to report. He was ready, however, to give all possible information as to what they were doing in carrying out the instructions given to them, which he was enabled to do by means of certain documents which he held in his hand, and which had been in general circulation in Ireland for some time, so that, in fact, there could be little or no difficulty in ascertaining what course the Commissioners were pursuing. His noble Friend had spoken of the difficulty of the Commission in such a way as to make it appear to be a matter of greater difficulty than it really was. His noble Friend seemed to apprehend that it would become in some way, or that he had stated so, the duty of the Commission to investigate and revise the whole Law of Real Property in Ireland; and his noble Friend thought that he (the Earl of Devon) and his Colleagues were not the most competent persons to deal with such a subject. Why, the Commissioners had nothing to do with the general Law of Real Property; nor did they intend to take it in hand. The Commission entrusted to them was, to inquire "into the state of the Law and Practice in respect to the Occupation of Land in Ireland, and in respect also to the burthens of County Cess and other charges which fall respectively on the landlord and occupying tenant and for reporting as to the amendment, if any; of the existing laws, which, having due regard to the just rights of property, may be calculated to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant in that part of our United Kingdom. And further to report to us in writing, under your hands and seals, your observations as to what you shall find touching or concerning the premises upon the said inquiry; and also your opinions as to the amendment, if any, of the existing laws, which, having due regard to the just rights of property, may be calculated to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant in Ireland." That was certainly a field wide enough; but it was narrow compared with the investigation of the whole Law of Real Property in Ireland. His noble Friend thought also that the Commission was to inquire into the state of the labouring and peasant part of Ireland, as he called it. It was really the business of the Commission to inquire into the manner of holding lands, a subject particularly affecting tenant farmers, and therefore necessarily involving the classes immediately below them; but that was not the primary object of the Commission. According to the terms of the Commission, the Commissioners were directed to inquire into the laws affecting the temporary occupation of land, and also into the nature of the burthens on land, and the manner in which they were respectively borne by landlords and tenants. He might have been understood by the noble Marquess, perhaps, to convey the notion that the latter was the only object of the Commission; but what he meant was, that it was one part of the duty, and certainly not the whole. The following course the Commissioners had taken was in order to obtain the best information possible:—In the first place, immediately on their arrival in Dublin, he, as Chairman of the Board had caused the following circular letter to be sent to all the Boards of Guardians throughout Ireland, who were mostly landlords or occupying tenants, to each of the Protestant bishops, and to every Roman Catholic bishop,

"Land Commission-office, Castle,
Dublin, , 184 .

"I trouble you with this letter on the part of the Commissioners acting under the Queen's Commission of which a copy is herewith sent.

"It is very much our wish to obtain the best evidence upon all parts of the subject into which we are directed to inquire.

"We are desirous, therefore, of obtaining the co-operation of in this respect, and we request that you will do us the favour to point out such individuals as you may think it most desirable for us to examine, and will also point out to us any other sources from which you think that evidence of an authentic nature may be derived.

"If you can give your attention to this matter, and will comply with the request which we now make, you may render material assistance towards attaining the object of our Commission, viz:—a full and fair investigation of all circumstances connected with the tenure and occupation of land in Ireland.

"I have the honour to be, &c.

"Any communication may be addressed to the secretary at this office."

These circulars were answered in the very best spirit from all quarters, some pointing out many, and others but a few, persons competent to become witnesses. A great many representations were made to the Commissioners of cases of individual hardship; and those persons who took great interest in the grievances of the people had communicated with the Commissioners, and in a very good spirit, undertaking to furnish information. A great mass of papers was therefore collected together, and the Commissioners found that the number of witnesses suggested was so large that a selection must be made; and they therefore issued another circular letter to their former correspondents soliciting them to point out the persons who ought to be selected, being those who could be examined with the greatest convenience to themselves and advantage to the objects of the Commission. To the persons who had referred cases of hardship or dispute to the Commissioners a letter was sent reminding them that the Commission had no authority to settle differences between individuals.

"*Land Commission Office, Dublin Castle,*

"I am directed by the Commissioners to acknowledge the receipt of your communication of

"I am further instructed to remind you that they are not invested with any authority to settle differences which have arisen between individuals.

"Their duty is to make inquiry into the state of the law and the practice in Ireland, with respect to the occupation of land, and with respect to the burthens that affect the owners and occupiers of land respectively; and to consider whether some amendments may not be properly made in the existing laws which may tend to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant.

"So far as the investigation of particular cases may tend to assist them towards forming just conclusions upon the matters pointed out by the Commission for inquiry, it will be their duty to enter upon such investigation, although they have no power to make any adjudication as to the rights or claims of individuals.

"Your case will be fully considered, and if it shall appear to the Commissioners that their duty under the Commission requires a further inquiry into it, I shall be instructed to communicate again with you, and to point out the time and place at which an examination of witnesses upon oath may take place.

"I remain, your obedient servant,

"——, Secretary."

That had become necessary to counteract an impression that the Commissioners were sitting to settle grievances; at the same time, they felt they should not do their duty, but would be shutting the door too close if they told persons who imagined they had grievances to state that they were not to be heard. Their duty was to obtain all the information they could, in order to enable them to come to just conclusions upon the matters upon which they were expected to report. There was no more likely way to get an accurate view of the extent to which any of those complaints might be considered to be founded in justice, than by hearing the statements of parties on both sides; and experience had already shown that the number of real cases of grievance had fallen far short of the number which had been so busily bruited about in various ways. The Commission had also issued another circular letter in which the real objects of the Commission were pointed out, in order to disabuse the minds of those who fancied that it had other objects in view with which it could not interfere.

"*Land Commission Office, Dublin Castle.*

"I am directed to acknowledge the receipt of your letter of the in answer to the communication addressed to you on the part of the Commissioners on the which will have informed you of the nature of their inquiries, and the assistance they expect from

"The Commissioners desire particularly to point out to you that their duty is to make inquiry into the state of the law, and the practice in Ireland with respect to the occupation of land, and with respect to the burthens that affect the owners and occupiers of land respectively; and to consider whether some amendments may not be properly made in the existing laws, which may tend to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant.

"So far as the investigation of particular cases may tend to assist them towards just conclusions upon matters pointed out by the Commission for inquiry, it will be their duty to enter upon such investigation, although they have no power to make any adjudication as to the rights or claims of individuals, or to settle any differences which may have arisen between them.

"As the number of witnesses named to the Commissioners from different parts of Ireland is so great, as to render it impossible for them to examine all, within any reasonable limit as to time; and, as it is the intention of the Commissioners to append to their report to Her Majesty, as is usual in such cases, the whole of the evidence taken on oath before them; they must therefore request your further assistance towards the selection of those whose evidence can be given with most convenience to the parties themselves, and with the greatest advantage to the several objects of the inquiry.

"I shall have the honour to apprize you as soon as possible of the particular day on which the Commissioners hope to visit your neighbourhood.

"I have the honour to be
Your obedient Servant,
"——, Secretary."

No doubt the task of the Commissioners was a difficult one; but they were anxious to perform it properly, to obtain substantial information, and to avoid stirring up angry feelings between disputants. They made their inquiries with as much forbearance towards individuals as they could; but if they were to offer their opinion at any time with respect to particular grievances, they must be permitted to investigate individual cases. He believed that his four Colleagues were as anxious to perform their duty, and would perform it as ably and as honestly, as any four men that could be found; and he had great confidence in the result of their labours. His noble Friend had said that this Commission stood in the way of other measures of improvement for Ireland. How could that Commission prevent any Member of that House or of the other House of Parliament from proposing any measure of relief for the population of Ireland? There was nothing in the tendency of the Commission to interrupt such a proceeding. He thought the Commissioners would be able to point out beneficial alterations in the law affecting Landlord and Tenant, so as to remove present grounds of complaint and dispute. He had every reason to believe, that with the assistance of the four Gentlemen with whom he was associated, such a report would be produced as would be found most useful in the work of legislation. They would give the whole subject their full attention, and in doing so they would not fail to point out wherein the present law was oppressive or ruinous in its practice; nor would they hesitate to state their honest convictions with regard to individual cases of hardship and real grievance. Upon the question of rents, also, they would be equally explicit and sincere, but at present, of course, he could not be expected to offer any opinion whatever. He knew there had been a great deal of exaggeration abroad on this subject, but the best possible way to remove all misapprehension was to collect authentic information from witnesses upon oath, and then lay the evidence before Parliament and the public, in order that the real state of the case might be made known. He thought that the information which the Commission would be able to elicit would be very useful, and could not fail to lead to the most beneficial results.

The Marquess of *Clanricarde* wished to know whether the reports of the cases which might come under the cognizance of the Commission would be made upon oath? [The Earl of *Devon* answered in the affirmative.] He knew that when the Commission was first appointed a cry was raised, that though it was instituted for the purpose of inquiring into the relation between Landlord and Tenant, it consisted of five landlords. He (the Marquess of Clanricarde) knew that cry to be without foundation in effect, yet if it were desired that the proceedings of the Commission should have weight out of doors, it might have been advantageous to have had both landlords and tenants upon it. When the term "peasant" was applied in Ireland, it properly comprised the occupiers of land; so that, he took it, an inquiry into the condition of the land, and into the relations between Landlord and Tenant, as far as the land was concerned, meant an inquiry into the condition of the peasantry of the country. He regretted his noble Friend had not thought it consistent with his duty to answer the first question which he (the Marquess of Clanricarde) had put to him.

Subject dropped. House adjourned.

HOUSE OF COMMONS,

Tuesday, March 5, 1844.

MINUTES.] BILLS. *Private.*—1°. Liverpool Docks; Kingston-upon-Hull Docks; London Gas.

2°. Northern Coal Mining Company; Yarmouth and Norwich Railway; Leeds and Bradford Railway; Guildford Junction Railway; Furness Railway.

PETITIONS PRESENTED. From Royd Mill, Wilsden, against Factories Bill.—By Mr. Muntz, from Merchants and others (2), complaining of Conveyance of Goods by Railway.—From Pollockshaws, respecting Burdens on Land.—From Dunbar, and Glasgow, respecting Schoolmasters (Scotland).—By Mr. S. Crawford, from Kettering, and by Dr. Bowring, from Liverpool, Aberdeen, and Cranbrook, for Withholding the Supplies.—From Ballysax School, complaining of Board of Charitable Bequests.—By Mr. Ewart, from Lambeth, complaining of the Water Works Company.—By Mr. Wallace, from John Lamb, complaining of Sheriff-substitute of Stirlingshire.—By Lord Rendlesham, from Haddington, and 100 places, against Alteration of the Corn Laws.—By Mr. T.

Duncombe, from Finsbury (18), for Reduction of Duty on Tobacco.—From Edinburgh, for Repeal of Duty on Paper.—From Patington, and Tailsworth, for Alteration of Poor Law.—By Mr. M. Gibson, from W. T. Wilson, respecting Medical Relief under the Poor Law Bill.—By Mr. T. Duncombe, from Gravesend, respecting Voting under the Poor Law Bill. — From a Society at Carlisle, for Freedom of Opinion. — From Samuel Gordon, complaining of Injuries. — By Mr. Tuffnell, from Marylebone, for Enquiry into the Metropolitan Police Force.

PARLIAMENTARY AGENTS — STANDING ORDERS.] Sir *William Heathcote* had a petition to present relating to private business, on which it was desirable to have the opinions of Members, and also the opinion of the right hon. Gentleman in the Chair. It related to the Committee on Petitions, of which he had the honour to be chairman, and complained that the Petitioner had not been heard by his Agent. The Parliamentary Agent did appear before the Committee but he not being acquainted with the case, the petitioner desired to be heard through his solicitor. He, however, was of opinion, and the Committee agreed with him, that a solicitor not being entered as a Parliamentary agent, as every solicitor had power to be if he pleased, was not a person contemplated by the Standing Order, and the Committee refused to hear him. The petitioner was of opinion that he was injured thereby. He had promised the petitioner to obtain a consideration of his case, and said he was sure, that if he had done wrong the House would overturn his decision. He could not, however, as at present advised, say that he was wrong. The Standing Order provided, that parties should be heard by themselves or their Agents and Witnesses. It had been held that a Counsel could not be heard, not being a Parliamentary Agent, and on the same ground the Committee decided that a solicitor could not be heard, unless he complied with the form of the Speaker's order, and enrolled himself as a Parliamentary Agent. The hon. Baronet brought up the petition, which was from Sir Robert Harland, stating that his solicitors were not allowed to be heard in support of his Petition before the Select Committee on Petitions for Private Bills, on the ground that they were not Parliamentary Agents, and praying that his Petition may be referred back to the Committee, and his Solicitor permitted to be heard.

Sir G. *Grey* observed, that this was a new point. His first impression was, that the refusal to hear a person not being a Parliamentary Agent was right, but he was not sufficiently conversant with the construction of the Standing Orders to call upon the House to acquiesce in that view, unless some gentleman of more experience would state what the practice was, with a view to some general rule being laid down.

Lord G. *Somerset* said he came to a different conclusion from the hon. Baronet, but thought it quite right that the question should be considered. His impression was, that if the Standing Orders intended to prevent any person from appearing as an agent, except a Parliamentary Agent, the word "Parliamentary" would have been added. He did not see the desirableness of forcing every person who appeared before a Committee to employ a Parliamentary Agent. In a number of cases the parties might, without incurring the expense of a Parliamentary Agent, employ a solicitor; and he was of opinion, that an "Agent" was any person duly authorised, and representing the party, and that the only person excluded would be a retained Counsel.

Mr. *Aglionby* was sure the House would be happy to have the advantage of the Speaker's opinion, and if the right hon. Gentleman had not formed any decided opinion, he would suggest that it might be well to adjourn the question, in order that inquiry might be made as to the practice; but so far as his experience as a Chairman of Committees on Private Bills extended, he was not aware of a single instance in which the term "Agent" had not been construed "Parliamentary Agent." No doubt, solicitors from the country often attended before Committees, and if they offered a suggestion it would be attended to; but they would not be allowed to advocate the case if any objections were made, or appearing as agent for the party. The noble Lord was mistaken in supposing that either hardship or expense would arise from the necessity of employing Parliamentary Agents; they were better acquainted with the forms of proceeding than a country solicitor could be; and he was persuaded that both time and money would be saved by the employment of Parliamentary Agents.

Mr. *Strutt* said, he had referred to the petition, and found that his authority as Chairman of a Committee had been quoted as having allowed some solicitor to appear before the Committee on the Lancaster and Carlisle Railway Bill. He could only say, that there had been no decision to that effect, either by him or the Committee; and that if any solicitor had appeared, it was without any knowledge on their part, that he was not a Parliamentary Agent.

The *Speaker* said, if the House was desirous of hearing his opinion, he was quite ready to state it. In his construction of the Standing Order, he agreed with the hon. Member for Derby. During the time that he had the honour of being Chairman of the Committee on Petitions, an "Agent" had always been considered to be a "Parliamentary Agent;" and he was aware of a case in which a person had applied to be heard as an Agent other than a Parliamentary Agent and had been refused. If the House thought it desirable to adjourn the question, in order to ascertain what was the practice, perhaps it would be well to take that course; but if his opinion was asked, he said decidedly, that "Agent" meant "Parliamentary Agent."

Mr. *Estcourt* thought the object of the Standing Order was to limit the attendance of Parliamentary Agents. If there were a new edition of the Standing Order, it might be as well to insert the word "Parliamentary;" but he saw no necessity, after the opinion which had been expressed from the Chair, to adjourn the question.

Lord G. *Somerset* maintained, that as a Parliamentary Agent might not understand a particular case, and a country solicitor would, the party was under the necessity of employing both, and was thus put to additional expense.

The *Speaker* said, it ought to be understood that the Parliamentary Agent was responsible to the House for the Fees, and therefore the House recognised the necessity of employing him. Under these circumstances, he apprehended that no person ought to appear before the House by an Agent except by a Parliamentary Agent.

Subject at an end.

Petition laid on the Table.

Late Sittings.] Mr *W. Williams* rose to bring forward the Motion of which he had given notice—namely, that no Motion, if opposed, shall be brought on and discussed in the House after midnight. In bringing forward such a Motion, he disclaimed all intention of interfering with those party discussions which were often prolonged to very unseasonable hours. He wished to confine his Motion to the practical business of the House, feeling convinced that every hon. Member who was in the habit of attending to the business of the House would admit, that the practice of bringing forward important business at a very late hour of the night, was not only most inconvenient to the House, but highly detrimental to the interests of the public. The system pursued in transacting the business of the House was in many respects most objectionable, and great alterations would have to be made before the business could be conducted in a manner beneficial to the interests of the country; but perhaps there was no part of the system which required amendment more than that which related to the late hours at which important business was often proceeded with. Referring to the proceedings of the last Session of Parliament, he found that the House sat 119 nights, and that its sittings after midnight amounted altogether to 105½ hours, being nearly one hour of sitting after midnight for each sitting of the House. He had often seen the necessity for some regulation to guide their proceedings with regard to business of importance brought on after midnight. He had often seen Bills of the utmost importance forced on the consideration of the House at one and two o'clock, and sometimes later, in defiance of every remonstrance against them; and he had also seen millions of the public money voted away at the same unseasonable hour, without any consideration for the interests of the country. At the unseasonable hours of one and two o'clock in the morning, he had seen Gentlemen come down to the House to vote on questions affecting the liberty, the property, and the lives of the people. They came from their balls, from the theatres, the opera, and from their parties, and voted on questions upon which they had no knowledge whatever. Such a state of things ought to be corrected, and he knew of no other means of effecting that correction except by limiting the time of business to something like reasonable hours. He had no objection to the discussions affecting the two great parties in the House being continued after midnight, or even to their being carried on till daylight peeped in at the windows, but he had decided objections to really important business being proceeded with at those unseasonable hours. Nature intended that men, instead of wasting their health and strength at these untimely hours, should refresh themselves in the night with sleep. He readily bore testimony to the constant attendance of both the right hon. Gentleman (Sir J. Graham) and the right hon. Baronet at the head of the Government; they were found in their places at the earliest, as well as the latest hours, and they had given proofs of a physical strength which very much astonished him. He thought they ought to pay a little more attention to their comfort and to their health. They might be able at present to attend to their duties in this House at these unseasonable hours; but if they persevered in doing so, the time must come when their strength would fail them. If by their late sittings they in any way advanced the interests of the country, then it would, no doubt, be highly creditable and commendable for them to devote those late hours to the transaction of public business; but the very reverse was the case. Laws of the greatest public importance were passed whilst most Members on both sides of the House were fast asleep, and while others were so bewildered with drowsiness as hardly to be conscious of what was going on. The noble Lord the Member for London once said, that one effect of the Reform Bill would be, that Members, instead of coming down to the House at midnight to vote upon questions of which they knew nothing, would come down at proper hours and in a state of perfect sobriety and vote on questions which they did understand. The Reform Bill, however, had not fulfilled the prophecy of the noble Lord in this respect. What were the consequences of legislating at these unseasonable hours? How many defects did they not every now and then discover in the Acts passed by the House? Year after year a large portion of the time of the House was consumed in passing Bills, sometimes to amend Acts of a former Session, and sometimes to amend Acts even of the same Session. If Members had only consented to take those Bills into consideration at proper hours, such blunders would not have taken place; but, as it was, they passed Bills which were not intelligible to themselves, and which even the Judges could not understand. Not another country in Europe legislated in a similar manner. In France, Belgium, Holland—in all the states of Germany which possessed a legislative assembly—in the United States of America, and in all the civilised countries of the world which had a popular legislature, a different course was adopted from that pursued by this House of Commons; and not one of them passed their laws at the unseasonable hours at which the British Legislature did. In former and better days a different course was pursued, and business was proceeded with at proper hours. So late as 1702 the House used to meet about mid-day; and in 1714 there was a Standing Order of the House against proceeding with any order of the day after mid-day. He did not mean to say that they could conveniently meet at the present time at that early hour; but he thought that if they commenced business only one hour earlier than they now did, they would do away with the necessity of continuing their sittings to so late an hour as they now did. Towards the close of the last Session the House met at twelve o'clock of the day, and continued to sit till one or two o'clock in the morning; and he had seen business proceeded with at these hours when the whole Members of the Government who were present, and when every Member except the hon. Member for Salford and the Speaker, and the Gentlemen who had Bills to manage were fast asleep. It was at these hours that jobs and bad laws were smuggled through the House. Having seen the evil effects of the system, he begged leave to suggest what he thought would remedy them. He would suggest that they should assimilate the laws of the United Kingdom by making the laws for England, Scotland, and Ireland the same. Every reflecting Statesman would admit, that for our Legislature to pass different laws for the three divisions of the Kingdom was an unwise and injudicious mode of legislating. If the laws of Scotland had been assimilated to those of England at the time of the Union, and if the laws of Ireland had also been assimilated to those of England at the period of the Union, he felt convinced that they would have been enabled to govern the United Kingdom under one law. The hon. Member for Cork, the Representative of all Ireland, had often stated that the great grievance of Ireland was, that the same laws were not given to that country which were given to England. In his opinion, nothing could be more judicious than to make the law for England and for Ireland precisely the same. He had no hesitation in saying that at least one-fourth of the time of the present Session would be consumed in the discussion of two questions—the grievances of Ireland and the Corn Laws. It was evident that the grievances of Ireland must be set at rest, otherwise that country would prove a curse instead of a benefit to England. The present Corn Law could not stand; it must fall; and why should not Ministers meet those two important points at once and settle them? The public wished to see these questions settled, and as they would be forced on the attention of Government, he thought they ought to take them up and settle them at once. By doing so they would save at least a fourth of the time of the Session. He would also recommend Government to bring in such Bills as they intended should pass at an earlier period of the Session, and to discontinue the practice of bringing in a great number of Bills which were never intended to be passed into laws. A great deal of the time of the House had hitherto been expended in the discussion of such Bills, which he thought might easily be saved. There was another point to which he begged to call the attention of Government. Since he had the honour of sitting in that House, he had invariably found that from four to five months were wasted by all manner of idle debates, and on questions in which the people felt no interest. Take, for instance, the Session of 1840, when hon. Gentlemen on the other side consumed pretty nearly the whole of the Session, so far as regarded the public interests, in the discussion of the most worthless motions, yet not altogether worthless to them, for their object was to get hold of place, power, and pelf, and they succeeded. A change of Ministry took place, and though hon. Gentlemen opposite had no doubt derived considerable advantage from the change, the country had gained no advantage whatever. He would just point out the amount of business done at various periods during the last Session. The Session commenced on the 3rd February. In the months of February, March, April, and May, only twenty-six Bills passed that House. In June, ten Bills passed; in July, twenty Bills; but in August, during the first three weeks of that month, forty-four Bills were passed, and sent to the other House of Parliament. It would thus appear that nearly half of the whole number of the Bills passed during the Session were passed in the last three weeks of it. No man could defend such a system. The House of Lords, while the present party were in power, made no scruple of passing the Bills sent up to them at the end of the Session; but every one might recollect that when the late Government pursued a similar course, a certain legal Lord in the other House used to take a review of those Bills, and toss them under the Table in bundles, on the ground that sufficient time had not been afforded for the consideration of them. He hoped that he had stated enough to show that great advantages would result from legislating for the people at proper hours, and he would therefore beg to move "That no motion, if opposed, shall be brought on and discussed in this House after midnight."

The *Chancellor of the Exchequer* could hardly believe, that the hon. Gentleman was serious; at all events the hon. Gentleman had stated no grounds to justify the House in assenting to it. The hon. Member deprecated the late sittings of the House, because the health of Her Majesty's Government might be seriously affected by their protracted attendance on the debates. On behalf of the Government he begged to tender his best thanks to the hon. Gentleman for the friendly anxiety he had shown upon this subject; but he must take leave to obesrve, that if there was one circumstance which, from long Parliamentary experience he could say, was more prejudicial than another to that health which the hon. Member was desirous to preserve, it was not so much the sitting to discuss matters at a late hour of the night, as being compelled to hear long speeches whether at a late or an early hour, which had no material reference to the business in hand. When an hon. Gentleman got up to discuss the question, whether new and opposed motions should be brought on after midnight, and treated them with dissertations on the Corn Laws, Irish affairs, and a variety of other irrelevant topics, he must fairly admit, although at that early hour—before the ordinary hour of refreshment—it did produce a state of weariness and fatigue greater than a more serious attention to the future real business of the day. If the House did do business at late hours of the night, it was owing to the very circumstance that the earlier parts of the evening were not so profitably occupied as they might be; and if they were to cut themselves off from the only resource which remained of doing business in cases of necessity, even at late hours, there would be no opportunity left of transacting public business at all. The hon. Gentleman had adopted rather an extraordinary mode of proving their inattention to business in that House, when he said, that in the course of the first three months of last Session only twenty-six bills had been passed, while towards the end of the Session, they passed a considerably greater number. The object was, that Bills should be well digested considered, and discussed: and if they were disposed of hastily at the beginning of the Session, there would be no opportunity of learning the sentiments of their constituents and the public in regard to them. It was, therefore, in this view alone a matter of some importance that it was competent to hon. Members to discuss matters brought forward more satisfactorily, by postponing the ultimate passing of Bills till a late period of the Session. If the hon. Member would take the trouble of looking through the Votes of the House he would find, that the subjects which occupied the House in debate after twelve o'clock where those commenced before that hour, and continued in order that a decision might be come to without the necessity of an adjourned debate. Speaking generally, he would find that after twelve o'clock all business not previously discussed, and which Members were desirous of discussing, was put off to meet the general convenience. There might undoubtedly be occasions when great public interests required that measures should be introduced at any hour, however late, and he did not think that the House, acting on the principle of doing what was most for the benefit of the community, would consent by a specific resolution, to debar themselves from entering upon their consideration. Upon the whole, therefore, he must say, as long as they had the good fortune of having among them the hon. Member for Salford, who exercised his functions with an amenity of manner and an intelligent consideration for the business of the country which entitled him to the highest praise, the hon. Member for Coventry might be quite satisfied to leave the matter to his discretion and good sense.

Mr. *Brotherton* supposed his hon. Friend, seeing that little success had attended his Motion when introduced by him on former occasions, had now come forward with his powerful aid, in the hope of having a larger majority, and he hoped such would be the case. He certainly supported the Motion with considerable pleasure, because he felt, if it were adopted, it would be exceedingly useful. If they were to adjourn at an earlier period it would facilitate the business of the House, and conduce to the health and comfort of Members, while in no way could it operate prejudicially to the public interests. He was reminded on this occasion of a Message sent down to that House by Queen Elizabeth, recommending the Members of that House not to consume so much time in making long speeches and Motions; and if a similar message should come down from our beloved Queen he should be very happy to join in voting an Address of Thanks to Her Majesty. He was sure that the speeches of hon. Gentlemen might be very much curtailed. He was not favourable to bringing forward any useless motions, he wished as much as possible to get on with the business, and he conceived that the efforts he had made with reference to the adjournment of the House had had the effect, not of retarding, but facilitating the public business. They often praised the wisdom of their ancestors, and certainly they had the wisdom to legislate in the day-time. Why should not we follow their example? There was one mode of accomplishing the end in view which he had no objection to append to the Motion of his hon. Friend. It was well known that the House could not adjourn till four o'clock in the afternoon. Their ancestors assembling at seven or eight o'clock in the morning were determined the House should not continue to sit after four o'clock P.M., unless forty Members were present, and a rule was made, that unless that number were present at that hour the House should stand adjourned. In order to keep within the clear rule, he would suggest that after midnight the House should not continue to sit unless 80 Members were present, and that would be a good security. At the same time he honestly confessed, that he thought it perfectly hopeless to expect to pass a resolution like that of his hon. Friend in that House; but he did feel gratified at the general concurrence which prevailed that they should as nearly as possible adjourn at twelve o'clock. Although he had not succeeded to the extent of his wishes, yet he rejoiced in the general opinion which had now gained so much ground, that, unless engaged in business of very particular importance, no obstruction would be made to adjournment at that hour. He certainly wished to see this Motion carried; but if it was not, while he had the honour of a seat in that House, he should always endeavour to press upon it the importance of adjourning at or before midnight.

The House divided:—Ayes 16; Noes 146: Majority 130.

List of the AYES.

Aldam, W.
Bowring, Dr.
Byng, rt. hn. G. S.
Collett, J.
Crawford, W. S.
Dennistoun, J.
Ewart, W.
Fielden, J.
Hill, Lord M.
James, W.
Morris, D.
Morrison, J.

Scholefield, J.
Trelawney, J. S.
Wawn, J. T.
Yorke, H. R.

TELLERS.
Williams, W.
Brotherton, J.

List of the NOES.

Ainsworth, P.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Astell, W.
Baillie, Col.
Barclay, D.
Baring, rt. hn. F. T.
Beckett, W.
Bernal, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Brownrigg, J. S.
Bruce, Lord E.
Buck, L. W.
Buller, E.
Bunbury, T.
Burrell, Sir C. M.
Charteris, hon. F.
Chute, W. L. W.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Colebrooke, Sir T. E.
Copeland, Mr. Ald.
Corry, rt. hn. H.
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
D'Israeli
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Duncannon, Visct.
Duncombe, hon. A.
Ebrington, Visct.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Evans, W.
Fellowes, E.
Forster, M.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Glynne, S. R.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Halford, H.
Hamilton, W. J.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Hussey, T.
Hutt, W.
Irving, J.
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Langstone, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
McGeachy, F. A.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Mangles, R. D.
Manners, Lord J.
Majoribanks, S.
Marsham, Visct.
Marton, G.
Mildmay, H. St. J.
Miles, W.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Brien, A. S.
Pakington, J. S.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Pringle, A.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Rous, hon. Capt.
Russell, J. D. W.
Scarlett, hon. R.
Shirley, E. J.
Shirley, E. P.
Smith, A.
Smith, J. A.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Thornely, T.
Towneley, J.
Trotter, J.
Tufnell, H.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Wellesley, Lord C.
Winnington, Sir T. E.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wrighton, W. B.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.
Fremantle, Sir T.
Baring, H.

THE METROPOLITAN POLICE.] Mr. *Tufnell*, having presented a Petition very numerously signed, from the parish of Marylebone, complaining of the heavy burthen to which that parish is subjected for the maintenance of the New Police, and praying for inquiry, proceeded to bring forward the Motion of which he had given notice, for the appointment of a Select Committee to inquire into the cost of the Metropolitan Police Force, and the manner in which the sums levied as Police Rate, are assessed on the different parishes within the Metropolitan Police District. The hon. Member proceeded to state that the additional burthen to which many of the metropolitan parishes had been subjected under the New Police Act was contrary to the understanding upon which that Act had been passed, and was unaccompanied by any corresponding advantage. It was proper that he should state in the outset, that in bringing forward this Motion it was not his intention to make any charge against the efficiency or the conduct of the New Police Force. It could not, however, be denied that an impression had gone abroad, that in many instances great negligence, and, in some cases, unfairness, had been evinced by Magistrates in dealing with those cases in which policemen were charged with violating their duty. It was generally considered that when a person who was paid to preserve the peace violated it, the crime was greater in him than in another person, and that his punishment should be more severe; but it was felt that great negligence had been exhibited by Magistrates when instances of infringement of duty, accompanied by gross insult, had been brought before them. Those, however, were matters into which he had no desire to enter, neither was it his intention to complain of the central system by which the Police Force was conducted; but he objected, and the petitioners objected, that the understanding upon which the New Police Act was passed had not been carried out. It could not be denied, that the system of watch and police that existed previous to 1829, in many of the metropolitan parishes, was most inefficient; and, to remedy the evil, the Committee of 1828 recommended the adoption of the central system, but on the understanding that the change should not entail any additional expense on the parishes; and they further stated in their report that as the protection afforded by the Police was local, the charge ought to be local also, and so far as the system contributed to local protection, he agreed it ought to be maintained by a local charge; but, instead of that, a uniform rate of assessment on all the metropolitan parishes had been imposed, without reference to their wants; and the consequence was, that a greatly increased expense had been entailed on many parishes, without any compensating benefit. The right hon. Baronet (Sir R. Peel) in introducing the Bill of 1829, founded on the Report to which he had referred, had distinctly stated, "that with regard to the tax to be imposed under that Bill, it would be less than the old watch rate." But so far from that being the case, it would be found that in many of the parishes most favourable to the operation of the law, the rate, as compared with the old watch-rate, had been doubled, while the number of Police had been decreased, and no additional security given to person or property. In the parish of Marylebone the sum levied under the old watch-rate had been on the average of ten years 9,500*l.*, and the number of men employed had been 256. The rate levied in the same parish for the New Police was 20,000*l.*, and the number of men employed 211. In this parish nothing like a corresponding advantage had been given; for the Police in Marylebone, under the old system, was justly considered a model as regarded its efficiency for the protection of life and property, and there was no proof of any abuse in its management. Mr. Moreton Dyer and Sir R. Birnie, in their evidence before the Committee of 1828, had borne valuable testimony in favour of that efficiency; and he was borne out in the assertion that in that particular parish, and in dealing with a subject of this kind, it was more satisfactory to adduce instances than to deal in general remarks. Though the expense to the parishioners had been doubled, no additional security to life or property had been afforded by the substitution of the New Police for the old Parochial system. He held that the New Police Tax should be regulated fairly, according to the requirements of the several parishes. They were bound, in altering any system of local government, to respect local rights, and to take care that no additional burthens were imposed, without the consent of the several parishes which would be affected by the change. That course had been adopted in reference to the New Poor Law, for under that Act every parish bore only its fair proportion of the general expense, and gave its consent to the imposition of the rate by its representatives; but under the New Police Act, the expense had been increased year after year, till in some parishes it had been doubled, without any reference to the wants or feelings of the parishioners. Another objection was, that the great burthen of the police-rate fell upon those who were least able to bear it. It was true, that since the introduction of the system two Committees had been appointed to inquire into and report upon its operation, and he admitted that the decisions of both those Committees had been favourable to the system. But he contended that that important feature of the case—the unequal pressure of the tax—had not been brought forward. The City had refused, and he thought very wisely, to come within the central system in regard to the Police, and had established an improved system of their own. He understood that under the system as conducted by Mr. Harvey, the City Commissioner, the total cost for each man employed, from superintendent to private constable, was 76*l.* per head. While in the parish of Marylebone the cost per head for each man employed, superintendent to private constable, was 112*l.* per head. Another point he had to complain of, and which he proposed should be investigated by the Committee, was the unequal rate of assessment in various parishes. If the Act which made the nett annual value the rateable value had been in general operation, the mischief in this respect would have been avoided; but that system had been in a great measure inoperative, in consequence of the want of power to enforce it. He repeated, that he had no fault to find with the conduct of the Police Commissioners, or to allege that property and person were not protected under the new system. All he required was, that the condition under which the act had been originally brought in, and the system introduced should be conformed to. He would submit the Motion in the terms he had stated.

Mr. *M. Sutton* should not feel it his duty to trouble the House in stating his reasons for opposing the Motion. But before going further he must express the satisfaction he felt, that the hon. Member, in bringing forward his Motion, had disclaimed all intention of casting any imputation on the conduct of the Commissioners or the Police, at the same time he might be allowed to say, that it would have been as well if the hon. Member had abstained from making charges against the Police Magistrates, which they were not there to answer. With regard to the first branch of the proposed inquiry—the cost of the Police Force —the hon. Member must be aware that an annual return was laid before the House, containing the whole of the information upon that point which any Committee of Inquiry could hope to obtain. The hon. Member could not, therefore, found his Motion on the ignorance of this House—neither had he supported it by any charge or accusation against the force itself. If the hon. Member had taken that course, he (Mr. M. Sutton) should have been prepared to show that those charges and accusations were not founded in fact. With regard to the question of cost, the hon. Gentleman might have referred to the report of the Committee of 1834, which, after a most lengthened investigation, had come to the most satisfactory conclusions on that point. He apprehended that the petition which had been presented by the hon. Member from the parishioners of Marylebone (who, on that occasion, appeared to have preferred entrusting the hon. Member with the duty, rather than either of their own Members), was substantially the same as one of which he (Mr. M. Sutton) held a copy in his hand. And he found it therein stated, that before the passing of the Act of 1829, the parish of Marylebone had a local act of their own, which was sufficient to secure property and person; and that since the introduction of the New Police system, the cost of watching the parish had been doubled, while the number of persons appointed to watch had been decreased. But the whole principle of the New Police Act went on the supposition (which was a correct one) that the efficiency of a Police Force was not in its providing a sufficient watch within the limits of any particular parish or borough alone, but in its power of providing for the security of person and property equally in the neighbouring localities. And he held that the security of person and property in Marylebone was maintained, not by the number of men employed there to preserve the peace alone, but more so by the means adopted to prevent outrages against person and property in the other metropolitan boroughs. But, in regard to the cost, if the hon. Gentleman took the cost of the Police Force in Marylebone, and divided the gross sum by the number of Police officers commonly on duty, no doubt his calculation of 112*l.* per head was correct. But the hon. Member should recollect that the number of policemen might, and would be, if necessary, increased at any moment. If the authorities of Marylebone parish applied for an increase, it would be granted; and, without any application from the parish itself, if the Superintendent of the Force were to report that more policemen were required, they would be at once sent: and this was a fair point of consideration in calculating the amount of the expense as the hon. Gentleman had done. It was true the hon. Gentleman had referred to the speech of the right hon. Baronet, and had stated, as had also the petitioners, that the expense of the New Police had increased in Marylebone, and was gradually increasing. But was the hon. Gentleman aware, that since the establishment of the Force, there had been an increase of 43,785 new houses in the borough, forming 785 new streets, roads, and squares; and an increase of 110 additional miles in distance, to be watched? Surely the hon. Member could not suppose that that increase of property could be watched at the same cost as the old watch, which had so much less to take care of. The hon. Gentleman had referred to the Committee of 1828, and had grounded his Motion on the Report of that Committee; but he had not referred to the subsequent Committee of 1834, which had been appointed to investigate the subject. That Committee had been first appointed in 1832, but the inquiry was so stringently gone into, that it was thought necessary to re-appoint it in 1834, and no man could have read the Report of that Committee without seeing that no single ground of complaint had escaped them; and he was quite sure that no Member of that Committee would concur in the present Motion. He did not deny the assertion that the Marylebone police, as it existed previous to 1829, was efficient, and that it was superior to any other Police of the time in the metropolis. He did not deny, that so far as the parish of Marylebone was concerned, that Police was sufficient for all the purposes of watching, and for securing person and property; but though that was the case at a period when all the other parts of the metropolis were most inefficiently watched, it was by no means certain that a similar system of Police would be equally efficient now. Thousands of thieves, driven out of Marylebone, could formerly find a refuge in other parts of London, but now he apprehended the superior efficiency of the metropolitan system of Police in other districts, would make Marylebone rather an uncomfortable locality to reside in if the old watch still existed there. The hon. Member was not correct in saying that the question of assessment had not been considered by the Committee. If the hon. Member would refer to the Report of the Committee of 1834, he would find the subject had been considered and reported upon. The only ground which the hon. Member could have for moving for a Committee, was the alleged inequality between the assessment of Marylebone and that of other parishes. Now, he submitted that that could be in reality no ground for the institution of a Committee of this House, for the only thing required, if such was the case, was an application by the parish of Marylebone to the Magistrates, who had the power of remedying the grievance.

Mr. *Brotherton* could give no opinion as to the inequality of the assessment, but he could as to its injustice. He objected to the country at large paying one-fourth share of the expenses of the Metropolitan Police force; and he hoped that a Committee would be appointed, and an opportunity given for a recommendation to the effect, that the country should be relieved of all the expense of the Metropolitan Police Force.

Mr. *Tufnell* would not press his Motion, but he hoped that some measure would be taken to remove the objections of which he had complained. With respect to the observation of the hon. Member for Salford, he would remind him that the country at large owed much to the Metropolitan Police Force.

Motion withdrawn.

DIVISION OF PARISHES (SCOTLAND).] The *Lord Advocate* moved for leave to bring in a Bill "to Facilitate the Disjoining or Dividing of Extensive or Populous Parishes, and the Erecting of New Parishes, in Scotland." The general object he had in view in proposing to introduce the Bill was to remove certain defects in the existing law relating to the Division of Parishes in Scotland. As the law stood at present, extensive parishes might be divided by the authority of the Court, but not unless a large majority of the heritors consented. The consent of a majority of three-fourths of the heritors was required. This appeared to him to be rather unreasonable, as it was in the power of one-fourth of the heritors of a Parish to prevent its division. He proposed, therefore, to allow the proceedings for the division of a Parish to go on upon the assent of a clear majority of heritors. There was another defect in the law as at present existing, inasmuch as no power was given for the division of a Parish, unless it was too large in territorial extent. He proposed to make the extent of population also a ground for dismemberment. By the existing law, also, there was no power given to the Court of erecting separate parishes, even when the expense of building the Church and endowing the clergyman was provided for by private individuals, unless by the consent of the heritors. Now as it did not appear that there was in cases of this kind any interference with the civil rights of the heritors, in having parishes subdivided and established merely with a view to religious purposes, and when the funds were provided by private persons, he proposed to give to the Court the power of constituting parishes, *quoad spiritualia* in the cases in which the endowments had been made by private individuals. The Court, would, however, always hear reasonable objections to propositions of the kind. These were the leading features of the Measure, which he would at once move for leave to bring in.

Leave given.

House adjourned at a quarter before seven o'clock.

HOUSE OF COMMONS,

Wednesday, March 6, 1844.

MINUTES.] BILLS. *Public.*—1°. Parishes (Scotland).
2°. Masters and Servants; Teachers of Schools (Ireland).
Private.—1°. Padstow Harbour; Croydon and Epsom Railway; Stratford (Eastern Counties) and Thames Junction Railway; Leeds New Gas.

PETITIONS PRESENTED. From Nateby, in favour of Commons Inclosure. — From Selkirk, by Mr. Pringle, and from 78 places, against Alteration of the Corn Laws.— From Chesterton Union, for Alteration in the Poor Law Amendment Act. — From Llansantffraid Glan Conway, against Union of Sees of St. Asaph and Bangor.—From Liverpool (2), for Reduction of Duty on Tobacco. — By Sir George Clerk, from St. Andrew's, against Severance of Relations between the Church and Seminaries of Learning.—From St. Margaret's, and St. John the Evangelist, Westminster, against Poor Law Amendment Bill.

County Coroners Bill.] House in Committee on the County Coroners Bill.

Upon Clause 20, "The Coroner to receive in addition to 9*d*. per mile,"

Mr. *Craven Berkeley* opposed it. The Clause allowed 1*s*. a mile for travelling, which he thought excessive.

Mr. *Pakington* defended the Clause, on the ground that the sum of 9*d*. per mile now paid was insufficient to cover travelling expenses.

Mr. *Maclean* also supported it, and contended that Coroners were considerable losers by their travelling, the expenses of which the present allowances did not cover.

The Committee divided on the question that the blank be filled up with "three pence":—Ayes 93; Noes 34:—Majority 59.

List of the Ayes.

Acland, T. D.
Aglionby, H. A.
Ainsworth, P.
Allix, J. P.
Arkwright, G.
Ashley, Lord
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Bruce, Lord E.
Buller, E.
Burrell, Sir C. M.
Cayley, E. S.
Chetwode, Sir J.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Collett, W. R.
Copeland, Ald.
Darby, G.
Divett, E.
Douglas, Sir C. E.
Drax, J. S. W. S. E.
Duffield, T.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Fellowes, E.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gore, M.
Graham, rt. hn. Sir J.
Greenall, P.
Hamilton, W. J.
Hinde, J. H.
Hodgson, R.
Hornby, J.
Houldsworth, T.
Johnstone, Sir J.
Knight, H. G.
Langston, J. H.
Lascelles, hon. W. S.
Lincoln, Earl of
McGeachy, F. A.
McNeill, D.
Manners, Lord J.
Miles, P. W. S.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Neeld, J.
O'Brien, A. S.
Palmer, R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pringle, A.
Reid, Sir J. R.
Repton, G. W. J.
Round, J.
Rushbrooke, Col.
Sandon, Visct.
Scholefield, J.
Scott, hon. F.
Spry, Sir S. T.
Stanley, Lord
Staunton, Sir G. T.
Stuart, H.
Strickland, Sir G.
Sutton, hon. H. M.
Trotter, J.
Tufnell, H.
Waddington, H. S.
Walsh, Sir J. B.
Winnington, Sir T. E.
Wyndham, Col. C.

TELLERS.
Pakington, J. S.
Maclean, D.

List of the Noes.

Blake, M. J.
Blake, Sir V.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Butler, P. S.
Cowper, hon. W. F.
Cripps, W.
Dickinson, F. H.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Estcourt, T. G. B.
Evans, W.
Ewart, W.
Gisborne, T.
Guest, Sir J.
Hawes, B.
Henley, J. W.
Hindley, C.
Jervis, J.
Knatchbull, rt. hn. Sir E
Macaulay, rt. hn. T. B.
Nicholl, rt. hon. J.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Rice, E. R.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, E.
Thornely, T.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Berkeley, C.
Williams, W.

Clause agreed to.

The Clauses were gone through.

The House resumed, and adjourned at a quarter to seven.

HOUSE OF LORDS,

Thursday, *March* 7, 1844.

Minutes.] Bills. *Public.*—1ª· Dissenters' Chapels Suits.

Private.—2ª· Marianski's Naturalization.

Petitions Presented. By Lord Kenyon, from Blockley, and Erbistock, against Union of Sees of St. Asaph and Bangor.—By the Bishop of Hereford, from Ludlow, and from the Bath Lay Association, against the same; and for Bishopric at Manchester. — By Lord Prudhoe, from Chatton, and 9 places, for Protection of the Agricultural Interest.

HOUSE OF COMMONS,

Thursday, *March* 7, 1844.

Minutes.] Bills. *Private.*—1°· Bleddfa and Llangullo Inclosure; Farrington and Cwmgilla Inclosure; West Croft (Nottingham) Inclosure; Nottingham (West Croft Canal) Improvement; Ventnor Improvement; Midland Railways Consolidation; South Eastern and Hastings Railway; Durham County Coal Company; Glossop Market; Pendleton Roads; Newquarry Harbour; Rochdale Improvement; Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield United Gas Light Company; Canterbury Pavement; South Eastern, Canterbury, etc. Railway; Thetford Inclosure; Eastern Counties Railway; Harwich Railway.

Petitions Presented. From Bridgewater, respecting Carriage of Parcels by Railways. — By Mr. Bell, from Rock, and 5 places, against Alteration of the Corn Laws. —By Sir C. Lemon, from Penwith, for Alteration of the Poor Law. — By Dr. Bowring, from Bolton, and by Mr.

Darby, from Lewes, respecting Window Tax on Licensed Victuallers. — By Mr. Dennistoun, from Presbytery of Chanonry, against Severance of Church and National Seminaries; from Glasgow, for the same. — By Sir E. Filmer, from Gravesend, against Charges for Thames Embankment.—By Sir J. Easthope, from Leicester, by Sir W. Clay, from Tower Hamlets, and from Nottingham, for Reduction of Duty on Tobacco.—From Thomas and Tabitha Jones, for Inquiry.—By Mr. Bright, from Darlington, against Increase in Military Establishment. — From Glasgow Emancipation Society, against Slave Trade.—By Mr. Labouchere, from Manchester Chamber of Commerce, respecting Trade with the Brazils.

ATHLONE ELECTION.] Mr. *Pakington* said, that he was desired by the Select Committee upon the Athlone Election to report that Mr. Collett had been found by it to be duly elected. He would move that the minutes of the proceedings before the Committee on the Athlone Election should be laid upon the Table of the House on the 20th inst.; and that the order for the attendance of Mark Spring before the Committee be ready to be discharged.

LAWS FOR SCOTLAND.] Mr. *Wallace* wished to put a question to the Lord Advocate for Scotland. It was generally understood, that the learned Lord intended, in the course of the present Session, to introduce three different propositions to the notice of the House; the first relating to the transference of heritable property in Scotland; the second as to workmen's wages; and the third as to the truck system in that country. To prevent the uncertainty which must be felt by the public on the subject, he begged to ask the learned Lord if he was prepared to bring in bills upon each or any of those propositions?

The *Lord Advocate* said, that as to the first subject, that of heritable rights, he hoped soon to have a measure brought before the Legislature with regard to it. As to workmen's wages and the truck system in Scotland, he was not aware how it could have been ascertained that he was preparing any measures with regard to them. His attention had been directed to one of those subjects, viz., that of wages, but he had found great difficulty with regard to it, and although he had not altogether abandoned the idea, yet he could not undertake to say that any measure would be brought forward by him with regard to it. The truck system he had not considered, except as it was connected with other subjects. It was also a question of great difficulty, like that of workmen's wages.

LORD ELLENBOROUGH'S PROCLAMATION — NEWSPAPER DESPATCH.] Mr. *Macaulay* wished to ask a question of the right hon. Baronet at the head of Her Majesty's Government as to a Proclamation which he had that day read in *The Times* newspaper, stated to have been put forth by the Governor General of India, as to the conquest of Gwalior; which recited what had passed as having occurred upon a treaty annulled so long ago as the year 1805. He wished to ask the right hon. Baronet if the Proclamation was genuine?

Sir *R. Peel* said, that for what he knew on the subject, he was indebted to the courtesy of the editor of *The Times*. *The Times* newspaper had the means of anticipating Government in the receipt of the overland despatches. He had no other information on the subject than what he derived through that newspaper, but after the Government despatches had arrived he would give all the explanation necessary.

COMMERCE WITH FRANCE.] Mr. *Labouchere* begged to put a question to the right hon. Baronet at the head of the Government. He had observed a report of a speech of M. Guizot, the French Minister for Foreign Affairs, from which it would appear, unless the speech was incorrectly reported, that M. Guizot considered the commercial negotiations between France and this country completely at an end. In order to satisfy the French Chambers, M. Guizot was represented to have stated that instead of relaxing the duties upon foreign produce imported into France, he had gone on increasing them. It was therefore clear, if M. Guizot was not misrepresented, that the French Ministry considered the negotiations with this country completely at an end. If that were the case, he was sure, from the language he had heard from the right hon. Gentleman as to the evil consequences of the public mind being left in uncertainty on such subjects, that he would take some means of imparting the same intelligence to the public of this country as had been communicated to the French people. The question which he wished to put was, as what had come to his knowledge might be mere rumour, whether the right hon. Baronet was prepared to confirm the accounts as the language of M. Guizot, and that the negotiations between this country and France with respect to their commercial relations were at an end?

Sir *R. Peel* said, he had referred to that which he considered the most authentic statement, namely, that contained in *The Moniteur*, of the speech of M. Guizot. As the right hon. Gentleman was aware there must be two voluntary contracting parties to a treaty of commerce, whatever impediments had occurred in the way of the conclusion of the treaty, he could assure the right hon. Gentleman they had not been occasioned by the Government of this country. Of course the signature of a treaty was entirely at the discretion of either party, which in this case was the French Government. He did not know exactly to what report the right hon. Gentleman referred, but on looking to the most authentic source, *The Moniteur*, he (Sir Robert Peel) had no doubt, that in the opinion of the French Government there was no prospect of the negotiations being brought to a successful conclusion. He was now speaking of a formal convention; he said nothing on other subjects, but looking at what had passed, and at the speech of M. Guizot, he could have no doubt whatever, that in the opinion of the French Government, there was no probability of a reciprocal reduction of duties by means of actual treaty.

QUARTER SESSIONS.] Mr. *Pakington* rose to bring forward the Motion on the periods for holding Quarter Sessions in cities and boroughs, of which he had given notice. There were two clauses in the Municipal Reform Act to which he was desirous of calling the attention of the House. The 105th and the 106th sections of that Act gave to the Recorders of boroughs and others power to cause the Sessions to be adjourned without restriction. The circumstance to which he wished to call the attention of the House was the power of adjournment exercised by Recorders. He felt it his duty to rest his Motion on the manner in which that power had been exercised by the Gentleman who held the situation of Recorder for the city of Worcester. He felt satisfaction in the knowledge that the Recorder for Worcester had placed his case in the hands of the hon. Gentleman opposite. He would state to that hon. Gentleman that he had no wish to make a charge against the Recorder for Worcester, but he was bound to state what was necessary for the support of his case. That learned Gentleman had exercised the power he possessed of adjourning the Quarter Sessions without consideration or reflection. He said so, though he had understood in other respects that that Gentleman had discharged his duties as Recorder with ability and discretion. The first case of adjournment to which he would allude occurred at the Easter Sessions of 1838. That Sessions had been fixed for the 2nd of April; the usual notices were given, and these were not in any manner reversed. That continued till the last day, and on that day, when the Jury were assembled and prepared to proceed to business, the Mayor announced that it was not the Recorder's intention to hold the Sessions on that day. There were two prisoners in gaol on the 2nd of April whose trial was thus postponed till the 14th of May, and they were then acquitted. If they had been tried on the 2nd of April, their punishment would not have exceeded six weeks. He acquitted the Recorder of any bad intention, but he could not conceive greater injustice. The next case to which he would refer was with regard to the Sessions of Midsummer, 1842. The 27th of May was the day appointed for holding the Sessions, but on that day the Court was informed that the Recorder could not attend until the 27th of June. There were then eight prisoners in gaol, of whom two were subsequently acquitted, and three condemned to something like a month's imprisonment. The third case occurred last Michaelmas, when the Sessions were fixed for the 16th of October; and, when all the parties who had anything to do at them were prepared, it was found that the Recorder could not attend, and the Sessions were adjourned to the 31st of that month. This was an inconvenience to which the suitors in that Court ought not to be subjected. He knew it was said, that the learned Recorder had other public duties to attend to at the Sudbury Commission, but he would contend that his duties as a Judge administering the law were paramount to all others, and should have precedence. The hon. Member mentioned two other cases in which adjournments took place, but they were not distinctly heard in the gallery; but such cases of adjournments to suit the convenience of Recorders were not, he said, confined to Worcester. There were many other towns and boroughs in which they were not of unfrequent occurrence, and it was on that ground that he considered some general Measure necessary on the subject, for he thought some restriction should be placed on this arbitrary and irresponsible power. It was of serious consequence that poor persons who had business at these Sessions should not be subjected to unnecessary, and therefore arbitrary delays, and this applied with still greater force to persons brought before them for trial. The hon. Member concluded by moving for "leave to bring in a Bill to regulate the periods for holding Quarter Sessions in cities and boroughs."

Mr. *Hawes* should feel it his duty to oppose the Bill, as it was intended as a general measure applying to all cities and boroughs. With respect to the charges brought against his learned Friend, the Recorder of Worcester, he would say, that in the course of seven years, up to 1844, there had been only three adjournments. The first was occasioned by the fact, that the appointment of the learned Gentleman had not been completed on the day fixed for holding the Sessions, so that it was impossible he could hold them on that day. On the second occasion there was only one prisoner to try, and he was out on bail, so that he felt justified in adjourning the Court. On the third occasion he was delayed by the fact that the Sudbury Commission, on which he was engaged, had occupied a longer time than was expected. If the hon. Member (Mr. Pakington) would bind down Recorders to hold their Sessions on fixed days, he must be content to have one of two alternatives—he must either have legal advice at those Sessions of inferior character, or he must pay high salaries to men of superior abilities, to make it worth their while to attend on any fixed days. Under such circumstances, he thought it would be much the better course to leave the appointment of the time for Sessions in towns to the Recorders. He did not think the case stated by the hon. Member sufficient to justify his Motion for so sweeping a Measure as that with which he had concluded.

Sir *J. Graham* admitted, that under the Municipal Act the power of adjourning Sessions was quite unlimited, and that the power of appointing Sessions was also left unrestricted, and it was desirable to limit those powers to a considerable extent. He was most anxious that the administration of criminal justice should be prompt and at stated periods; still it was of primary importance that this jurisprudence should be exercised by competent Judges before an independent Bar. Reserving himself on questions of detail, he was quite prepared to assent to the introduction of the Bill.—Leave given.

RELATIONS WITH THE BRAZILS.] Mr. *Labouchere* had undertaken to invite the consideration of the House to the present state and the future prospects of the Commercial Relations with the Brazils. Although he was deeply sensible how little able he was to do justice to such a subject, yet he was sure that there was no Member of that House who was either aware of the magnitude of the interests that were involved, or of the immense anxiety of the manufacturing and mercantile classes that was directed towards it, who would say that this was an improper subject for the consideration and deliberation of that House. Into many questions connected with this subject he was relieved from the necessity of entering at any length, because he did not conceive that there was any difference of opinion respecting them among any considerable number of the Members of that House. It was not necessary for him to prove at any length, how great was the importance of the commercial relations of this country with the Empire of the Brazils. If there were a country in the world that seemed formed by nature to cultivate with this country advantageous and extensive commercial relations, that country was the Brazils. Its great extent, inferior to no empire on the globe—its almost unrivalled fertility—its admirable climate—the mighty rivers by which it was watered—its population, which amounted to upwards of 7,000,000—together with the condition and habits of the population, producing an abundance of articles which could not be produced in this country—possessing no manufactures and hardly any shipping—all these circumstances showed that England and Brazil were two countries formed by nature to have extensive and advantageous commercial relations with each other. He would begin by stating to the House what was the present state of our trade with the Brazils. Our trade with the Brazils was at present regulated by a commercial treaty, concluded between the two countries in 1827. That treaty was one eminently favourable to this country.

Brazil engaged to take our manufactures and produce under this treaty at a *maximum* duty of 15 per cent. *ad valorem*, and we were free, on the other hand, to impose any duties we pleased on the produce of the Brazils. He would state to the House what were the duties we imposed on the great staple articles of Brazilian commerce, in return for the very favourable terms on which that empire agreed to receive our manufactures. So far as he could collect from the best statistical accounts he had been able to obtain, and on which he could place most reliance, the exports from Brazil amounted annually in value to about 7,200,000*l.* They might be divided into three classes. Coffee, which was the article of the greatest importance, exported annually from Brazil, represented the value of about 3,000,000*l.*; the article of sugar, the next in importance, about 1,200,000*l.* per annum; the remaining 3,000,000*l.* being made up of cotton-wool, tobacco, hides, gold, and a variety of other articles. The three most important articles of Brazilian produce were coffee, sugar, and cotton-wool. With regard to sugar, we placed on it a duty which, in point of fact, was prohibitory, and it was intended to be prohibitory. With reference to this important product of a country which placed a maximum duty of only 15 per cent. *ad valorem* on articles of British commerce, we imposed a duty of 300 per cent. *ad valorem* on the price of sugar when landed on our shores. On coffee we placed a duty not quite prohibitory, but still a very heavy and onerous duty—not less than 200 per cent. *ad valorem*. In truth, the only important article of Brazilian produce that we allowed to come into our markets on reasonable terms was cotton wool. We admitted cotton wool at a moderate duty, but this was the only article we treated in that manner. This state of things had produced a result which could not be astonishing to any one who had done him the honour of listening to the statement he had made. The result was, that while we exported directly to Brazil a very great amount of British produce and manufactures, we imported directly and introduced into consumption a very small amount in value of the produce of Brazil in return. The value of our export trade to Brazil might be said in common years to average about 2,500,000*l.* It had varied a little during the last few years, last year it rallied a little; but he was sorry to say it was, on the whole, rather a struggling and declining, than a prosperous trade, for reasons to which he would presently advert; but still it was a very important trade. It attained its maximum in 1836, when we exported to Brazil no less than 3,000,000*l.* in value of British manufactures. Since that it had averaged rather above than under 2,500,000*l.*; in 1842 it dropped to 1,766,000*l.*, but rallied a little last year, when it was about 2,140,000*l.* This was the extent of our exports to Brazil. The quantity of Brazilian produce imported directly into this country for consumption amounted to a very small sum in comparison with what we exported. Our annual imports that we introduced into the consumption of this country could not be reckoned in value at much more than between 400,000*l.* and 500,000*l.* This was a very anomalous and unnatural state of things, and must obviously expose our merchants and manufacturers to very great inconvenience and disadvantage when compared with their rivals in the Brazilian markets, because the British merchants were not able in return for their goods to procure Brazilian freights for introduction into this country. The consequence was, that we were driven to an indirect course of trade. A British ship carrying out from Liverpool or London a cargo of British manufactures to a port in the Brazils could not find a cargo to be brought back to be consumed in England, and was obliged therefore to take its cargo, sugar or coffee, to some third country, and had to compete on the voyage to that country with ships returning home direct, and able to navigate cheaper than the British ship could do. But the evil did not stop here. The British ship being obliged to return from that foreign country in ballast, lost not only all the extra time, but the wages of the seamen, and thus the shipping interest incurred, both directly and indirectly, the most serious injury. The effects of this state of things were so obvious that he did not think it necessary to prove them by documentary evidence at any length. There were, however, one or two statements which he was desirous of reading to the House. The first occurred in the evidence of Mr. Moore, a respectable Brazilian merchant, before the Import Duties Committee,

> "Can you state what number of vessels go direct from this country to Brazil with manufactures in the course of the year?—I can state the number of vessels and tonnage from

Liverpool to the three principal ports of Rio, Pernambuco, and Bahia. In 1839, to Rio Janeiro fifty-two vessels, tonnage 13,965; to Bahia twenty-eight vessels, tonnage 7,203; to Pernambuco thirty vessels, 7,023 tons. Of those vessels, going there with British manufactures, how many returned to this country?—In 1838, out of forty-eight vessels to Rio Janeiro, not one returned to Liverpool. In loading from Brazil to the Continent of Europe, are your ships in competition with foreign ships to any extent, as to the rate of freight?—Yes; the foreign vessels which navigate at less expense, are going home, and, consequently, they can carry at a lower freight than British vessels can. A British vessel going to the Channel for orders, and then proceeding to the Continent, has to return home in ballast before she can reload to go back to Brazil. The foreign vessels go to their own ports, and navigate at much less expense."

It was stated that, in 1838, not one vessel returned to this country from Brazil which was not in ballast. He would also take the liberty of reading an extract from a petition lately presented to the House from the shipowners and merchants of Liverpool, which put the point in a very striking and forcible light. They said:

> "That, in proof of their allegation, that the interest of the British shipowner is very prejudicially affected by the prohibitory duty on foreign sugar, your petitioners further state, that from a return of the export trade of Rio de Janeiro, it appears that, out of 114 British vessels cleared from that port in 1842, laden with sugar and coffee, only twenty-one were enabled to return to the United Kingdom direct, the remaining ninety-three vessels being destined for Hamburg, Trieste, Antwerp, and elsewhere, in direct competition with the ships of all nations, and at considerable disadvantage, having in most cases to return home from the continental ports in ballast, or otherwise unprofitably employed."

That petition was signed by some of the noble Lord's (Viscount Sandon) most influential supporters. He hoped that those hon. Gentlemen who were in the habit of defending the shipping interest of the country would take these facts into their serious consideration. Of this he was, however, perfectly satisfied, that no interest in the country would be more benefited by a liberal system of commercial policy than the shipping interest. He was satisfied, too, that that interest, although they had heretofore opposed a liberal commercial intercourse with other nations, were now becoming alive to this truth, that there was no safety for them except in the adoption of such a course of policy as he had endeavoured to describe. He might also advert to the effect which the present system had upon the rate of exchange between the Brazils and this country. He would not do so at any length, for it was a dry subject, but any person connected with the trade must see that taking out cargoes on one side, and returning empty on the other, must have a most prejudicial and injurious effect on the rate of exchange between the two countries, and upon our merchants standing in the relation of debtor and creditor with parties in Brazil, who suffered a great loss from a want of direct returns to this country. But, notwithstanding the disadvantages under which this country laboured, from the cheapness of our goods, and the intelligence of our merchants and manufacturers—from a circumstance also which he really believed gave this country a greater advantage than any other in conducting trade, especially with an empire circumstanced like Brazil,—he meant the high character of our great commercial firms and the respect which the British name and character carried with them throughout the world,—from these circumstances our Brazilian trade had gallantly struggled with all these difficulties. It was still very large and important. But we were closely pressed upon by our foreign rivals. We had to encounter the rivalry of the United States of America, of France, of Switzerland, and Germany. He was unwilling to trouble the House with long statistical details, but he had no doubt of the fact, that foreign countries were gradually gaining ground upon us in the Brazilian markets. With respect to all those countries he had not accurate statistical returns; but with regard to France he had access to documents published by the French Government, which did prove that while our commerce had not been increasing with Brazil, French commerce with that empire had within the last few years been growing in a very extended ratio. In 1837 the exports from France to Brazil were 12,504,000 francs; in 1840 the trade had grown to 16,098,000 francs; and in 1841, the last year for which he could obtain any returns, it had reached 20,308,000 francs. Let them compare this with the diminished, or stationary state of our commerce with Brazil during the same period. He had already stated how limited were our imports from Brazil. He had a return of the imports from Brazil into France, which he would read to the House. In 1837, the value in round numbers was 6,381,000 francs; in

1840 it had fallen a little and was 5,900,000 francs; but in 1841 it had grown to 7,993,000 francs. If they wished to support our merchants and manufacturers who were engaged in an honourable competition with other nations in a trade so important as this, they must take care what they were about, and see that they did nothing to subject them to greater disadvantages than those their rivals had to encounter. There was one point connected with this part of the subject on which he would venture to say a word. Having already stated to the House the very onerous duties we placed on Brazilian produce when imported into this country for consumption, he would contrast with these the duties imposed on the same produce by other countries. He held in his hand returns which he believed to be correct, having taken the greatest pains to ascertain their accuracy, (for part of which he must acknowledge the courtesy of the right hon. Gentleman the President of the Board of Trade, and he was also indebted to the *Economist*, which contained some valuable statistical information on this subject). Those papers showed the terms on which other nations, our rivals in the Brazilian trade, received Brazilian produce into their markets. On muscovado sugar England put a duty of 63*s.* per cwt.; France, on the same cwt. of sugar, put a duty of 26*s.* 6*d.*; Austria a duty of 13*s.* 8*d.*; the Zollverein (our great competitor, with which Brazil was now in treaty), a duty of 15*s.* 4*d.* The United States laid a duty of 2½ cents on Muscovado sugar, and of 4 cents per pound upon the others. [Mr. *Gladstone* intimated his dissent.] He could not be answerable for the perfect accuracy of these figures, but the fact could not be disputed that no country dealing with the Brazils had received the produce of that country upon more disadvantageous terms than England, and if that were the case that was all he desired to establish. He had now endeavoured to lay before the House the present state of our commercial relations with Brazil. We had still a great trade with that country, not indeed, he regretted to say, an increasing and a thriving trade, but yet an important one, and, with the exception of the United States, it was our best market for our cottons, taking, as it did, upon an average, a million and a half of British manufactures; and there could be no difference of opinion upon the point that we were bound by every consideration of interest to protect our merchants engaged in the honourable and useful traffic with the Brazils, and to promote their interests by every possible and just means. Every hon. Member of that House must agree with him that the Brazilian trade was of the highest importance, and that it ought by no means to be placed in jeopardy. But he now came to a still more important branch of the subject. What were the prospects of the Brazilian trade? A great crisis had come. The treaty of 1827 under which we enjoy such advantages was about to expire—in November it ceased—and it would be for the Brazilians to renew it or not as they might choose, or to impose, if they thought fit, discriminating duties upon our manufactures, adverse to us and favourable to foreign nations who took their produce on more reasonable terms than we thought proper to impose. That would be the power of the Brazilian Government. Such being the existing state of things, it was not surprising that great anxiety should be expressed by the great manufacturing interest of this country, the cotton, the linen, and the woollen manufacturers, and by the merchants engaged in the Brazilian trade, to know what course would be pursued by Her Majesty's Government; and he therefore hoped that they would receive some information upon the subject. This state of our relations with the Brazils must be his apology for bringing the question before the House. Last year he had been unwilling, knowing that a treaty was in process of negotiation with Brazil, to interfere, although he had heard principles propounded in that House by the Ministers which made him fear the result. But in what state did the question now rest? Mr. Ellis had been sent out to Brazil to renew our commercial treaty, but without success. Since then, Signor Ribeiro, the Brazilian Minister, had come to this country, but it was notorious that he had failed, and it was reported that he had left this country not with a commercial treaty in his pocket, but with a draft of one which he had gone to Paris to offer to the French Government, with better prospects of success. [" *No, no.*"] Whether that, however, were so or not, he hoped at least that the result of his Motion would be the receipt of some information from the Government which might have the effect of allaying the apprehensions which existed upon this subject. He would not undertake to predict the course the Brazilian Government might take. He believed that in that country there was a struggle between parties, and a diversity of opinion upon the point. Anybody who had become at all acquainted with the discussions in that country knew that there were not wanting there enlightened statesmen not disposed, even if this country adhered to a course hostile to the commerce of Brazil, to punish herself by retaliatory measures and discriminating duties disadvantageous to British interests. He hoped that the Brazilian Legislature would not attend to the doctrines he heard from the other side as to free trade being only a good thing when there was "reciprocity." He hoped that they would not adopt the opinion of Colonel Torrens (which, to his astonishment, he had heard quoted with approbation by the right hon. Baronet at the head of the Government), that if a nation could not induce another to take its goods on reasonable terms, the best course was to shut its ports against that of other country's commodities. But he did not feel quite sure that the Brazilians would adopt a more enlightened course. There were passions, and prejudices, and sinister interests in that country, as in this; and it was not impossible that Brazil might be induced, by the persuasion of foreign countries and other motives, to legislate adversely to this country. Whether that were so or not, it was to be hoped we should set that nation a wise and liberal example. He desired to see no endeavours to induce Brazil to make what was called a "Tariff Treaty." There were two sorts of Commercial Treaties, by confounding which some erroneous ideas were created. One sort was that of which Mr. Huskisson had been a great promoter, stipulating for the equal treatment of the shipping of the two countries (an arrangement, no doubt, which it was very desirable to see established between this and every other country, and containing what was termed the "most favoured nation clause;" which he was always glad to see introduced (especially with countries like Brazil), stipulating, as it did, that neither state should treat the goods of the other more disadvantageously than those of any other country. He had little fear that there would be much endeavour to effect the other—the Tariff Treaty, with Brazil. Such treaties were now at a discount. He had no right to blame those who had attempted to form them. When he was last at the Board of Trade he had found them commenced with France, with Naples, and with Portugal, and other countries; and he had done his best to advance them, but he could not say he had reason to congratulate himself on his success. He supposed the right hon. Gentleman when he took office fancied that his predecessors had been too belligerent, and that a Minister more peaceful, and whose language was more courteous and captivating, would succeed better. The result had shown, that if such expectations had ever been entertained, they were doomed to be disappointed. Of that Treaty, especially, which had been negotiated with France, and which had been going on for these ten years, he was happy to hear from the right hon. Baronet that they would hear no more. Certainly he wondered not that the right hon. Baronet should have been very loth to abandon that Treaty. It had been a most delusive, tantalizing thing. Continually had they been within, as it appeared, the merest point of completing it; yet after all it had never been accomplished; reminding one of those lines which mathematicians mentioned, which were always approaching but which never came in contact. The fact was, that manufacturing interests were far too strong in France to allow of any Ministers completing such a Treaty. He was glad, therefore, to hear that at last there was an end of it. And there was as little expectation of such a Treaty being proposed in Brazil; an important disclaimer, indeed, had just arrived in this country of any intention to pursue such a policy—a report of some Committee which had been appointed to inquire into the subject, and of which, as he possessed a translation (from the Portuguese), accurate, if not elegant, he would read an extract, conveying a great deal of sound good sense upon the subject:—

> "A country which has important productions to export, and which draws its principle revenues from duties on imports, gains greatly by giving to the latter the greatest possible extension. For this purpose we should give stability to our commercial relations with foreign nations, to render Commercial Treaties with them the more conducive to the end; not by making Treaties regulating Customs' Tariffs, but by guaranteeing the safety of the persons and the property of the subjects of foreign nations, securing equality and freedom towards all powers, and requiring from them the same guarantees. Commerce needs these guarantees alone to disinvolve herself."

These opinions were truly admirable for their sense. But there was another part of the subject to which he attached greater importance. There was one point upon which he was anxious not to be misunderstood. He felt satisfied that the only means by which the commercial relations between the two countries could be put upon a satisfactory footing, was by reducing the duties upon the great articles of Brazilian commerce; so that the produce of that country could be admitted here upon fair and reasonable terms. He had no hesitation in saying, if this were done, even if there were no Commercial Treaty, that our trade with Brazil would extend and flourish. Above all, the present opportunity ought to be taken. It was a late opportunity, it was true; but this was the time that should be embraced to put an end to the Sugar monopoly. When he used the term "monopoly," he begged to remind the House that he did not use it in the vague sense he had sometimes heard it applied, but in the strictest manner. He had heard of the Corn monopoly and other monopolies, but the Sugar was a real monopoly—a system by which the ports of this country were closed against foreign Sugar altogether. It was a principle that had been equally denounced by both sides of the House, and he did not believe that a single Member of the House would defend it upon principle. The opinions he was expressing in regard to the Sugar Duties was no new opinion on his part, or on the part of those with whom he had acted. The late Government thought that, after the great experiment regarding the negro population in the West Indies, as breathing time should be allowed before any further alteration was made, in order to give the colonies time to settle. But the late Government had never contended, that the present system should go on for ever: and in confirmation of that he would take the liberty of reading a declaration made by a leading Member of that Government, which exhibited the views of himself and his Colleagues upon the point. In 1838, the late lamented Lord Sydenham, while opposing the reduction of the Sugar Duties, declared distinctly that opinion:—

"He admitted that it was a matter of very great importance, and one which would be forced upon the attention of Parliament and the country within a very short period. In the first place this was a matter which would force itself upon the attention of the Government as connected with the Treaty with the Brazils. The present Treaty was only of a temporary character, and would expire in 1842, and if we entered into fresh relations with that important State this subject must necessarily be considered. The exports to that country were upwards of 4,000,000*l.* a-year of British manufactures. This was the most important trade that we carried on with the exception of the United States of North America. The produce of the Brazils was almost entirely confined to sugar and coffee, and when we come to the period when the Treaty was about to expire, this subject must force itself upon the attention of the House. The other branch of the subject was also become a matter of deep importance and ought to receive great consideration; namely, the short supply of colonial sugar."

He concluded by saying:—

"He was satisfied that it must be forced on the attention of the Government and the Legislature, if not by the wants of the people of this country, at any rate by the Treaty with the Brazils, and he trusted it would be met fairly, and the difficulty dealt with in the way that a matter of such importance deserved, when it was ripe for consideration."

He had thought it right to read that extract to show what were really the views upon this important subject of the late Government, of which he (Mr. Labouchere) was a Member. It was incumbent upon the Government at once to put the Sugar Duties upon a proper footing. He believed that in the state of our commercial relations with Brazil, it would have been better if this had been done some time previous to the expiration of the Treaty. That was one of the reasons which had induced the Government of 1841 to bring forward their proposal with respect to sugar. Now, the last moment was come, and what he asked the House to affirm was, that they would not allow the Brazilian Treaty to expire, at the same time permitting that country to enter upon new commercial relations with other nations, without, at least, taking some steps to allow Brazilian produce to be brought into this country. To the other branches of this most important subject he should refer but briefly, for there would be an opportunity shortly, if the Government should take the course it was supposed they would, of fully discussing them; still he felt it necessary now to call the attention of the House to one question. The Motion of his right hon. Friend, the Member for Portsmouth, in 1841, was resisted by hon. Gentlemen opposite; and they were not contented with simply opposing, but they put upon record their reasons, of which the first was the encouragement that would be given to slavery and the slave-trade; and the second, the prospects held out of an adequate supply from our own Colonies. The Amendment to the Motion of his right hon. Friend was placed in most worthy hands—in those of a noble Lord whose opinions would have much weight—his noble Friend the Member for Liverpool (Lord Sandon). His noble Friend had not only made a general statement, but had come down to the House with an estimate of the supply of sugar which might be expected from our Colonies. And an estimate of that nature, coming from such a quarter, excited much attention at the time. He thought it advisable now to call the attention of the House to that estimate for the purpose of testing how far it had been borne out, and how far the promises then held out had been fulfilled. The estimate of his noble Friend was this, and the figures containing the actual supply received would show the error. The right hon. Gentleman read the following statements:—

	Lord Sandon's Estimate in 1841.	Supply in 1842.	Supply in 1843.
	cwts.	cwts.	cwts.
West India Sugar	2,300,000	2,508,910	2,503,577
Mauritius . .	800,000	689,335	477,124
East Indies . .	1,400,000	940,452	1,101,751
	4,500,000	4,138,697	4,082,452

Deficiency, 417,000 cwts.

He was bound, in fairness to his noble Friend, to say that in one instance—the West Indies—the supply had exceeded the estimate of his noble Friend; but the deficiency of the supply last year under the estimate of his noble Friend (Lord Sandon) had been no less than 417,000 cwts., and that without taking into account the increase in population during those three years. And was he not, then, right in saying that the population of this country was suffering from a stinted supply of sugar, and that the expectations held out by Her Majesty's Ministers and their supporters, upon the faith of which the House had been induced to refuse its acquiescence in the proposal of the late Government to reduce the Sugar Duties in 1841, were fallacious? It might be urged by hon. Gentlemen opposite that the price of sugar had not been excessive, but the price of sugar was a relative term, and it would be found that the difference between British plantation sugar and foreign sugar in bond was greater now than it was in 1841. He need scarcely say that in referring to the estimates which had been made by his noble Friend, nothing was further from his thoughts than any intention of casting upon him the imputation of wishing to mislead the House. He was confident that his noble Friend believed in the correctness of those estimates when he stated them to the House, and that he had consulted persons of high authority and experience in Liverpool upon the subject; and he also was aware that the great merchants and East-India speculators, who assisted in preparing those Estimates, were themselves convinced that they were not fallacious. They had been disappointed in this way—they had calculated on being able to invest their capital in sugar plantations in the East Indies and the Mauritius, and they thought they could embark in the cultivation of sugar with advantage. But what had been the case?—what had been the language of the right hon. Baronet at the head of the Government on each occasion since then on which the question of the Sugar Duties had been discussed? Had he ever held out any encouragement to those parties to make such investments? Not at all. The right hon. Baronet had said to them, "I will not alter the Sugar Duties this year," and the natural impression produced in men's minds by such a statement was—for aught we know the Minister will make an alteration next year. People, therefore, refused to invest their capital in raising sugar in the East Indies under such circumstances—when it was a matter of doubt whether the law would be altered or not. This was, he knew, the opinion of many persons who would otherwise have invested their capital in this way. And his belief was, that if the Members of the Government, and those who supported them, had, conscious of a majority, made up their minds to maintain the Sugar Monopoly, they had better say so at once. The right hon. Baronet had better do the same, with regard to the Sugar Duties, as he had done in reference to the Corn Laws, and by giving a stout sugar pledge at once, give confidence to the East-India and Mauritius sugar speculators. The capabilities of our own possessions would then be fairly tried, and we should see whether they could produce sufficient sugar to supply this country. But to put off the question from year to year, as the Government had done, was the very worst course they could take—whether they considered the great interests concerned or the British consumer. And with the knowledge which the Government now had of the fallacy of the opinions and expectations in which they had indulged, he could not understand how they could reconcile it with their duty to go on another year in the same miserable course they had hitherto pursued. While upon this part of the subject he wished to draw attention to another point. He had already stated that the consumption of sugar from the years 1841 to 1843 (the last year of which they had any account) had decreased. And he would now state what the amount of colonial sugar taken out of bond into actual consumption in this country had been in 1841 and last year. For 1841, 4,101,350 cwts.; for 1843, 4,082,452 cwts.; diminution, 18,906 cwts. Now, to show how completely this falling-off was occasioned by stinted supply, and not the want of capability in this country to consume sugar, he would ask the House to permit him to advert to the consumption of other articles which were consumed generally in conjunction with sugar. He would take the supply of tea and coffee for the same years, 1841 and 1843:—

	1841, lbs.		1843, lbs.
Tea ..	36,684,797	..	40,302,981
Coffee	28,428,466	..	30,031,606

And yet, notwithstanding this increase in tea and coffee, the House would perceive, that so far from there having been a corresponding increase in the consumption of sugar, there had been a considerable decrease. He might, while on the subject of the import of sugar, remark, that the only branch of the sugar trade in which any increase had taken place was that which consisted in bringing foreign slave-grown sugar into this country for the purpose of refining, and re-exporting to all the nations of the world, and to our own West-Indian colonies for their consumption, and this branch of the trade was swelling to an enormous magnitude. Of foreign slave-grown sugar we imported for refining and re-exportation—in 1842, 617,314 cwts.; in 1843, 939,896 cwts., or almost 1,000,000 cwts. [Mr. *Gladstone;* What were the returns from which the right hon. Gentleman was quoting?] From the trade and navigation returns, which had been recently laid on the Table of the House. [Mr. *Gladstone:* The whole of the amount of sugar has not been re-exported.] But it has been imported into this country for the purpose of being refined in bond for re-exportation, and, as he had said, it had increased in one year from 600,000 to upwards of 900,000 cwts. But he now came to what was, after all, the only real point on which the difference of opinion between the two sides of the House in reference to this question rested. He did not believe that hon. Gentlemen opposite would deny the importance at this juncture of treating fairly and of placing upon a sound footing the commerce of this great Empire. He did not believe they would deny the great advantage of admitting foreign sugar for home consumption, if it could be admitted fairly, and under proper regulations; or that in dealing with the sugar trade especially, to follow a just and true principle of political economy was indispensable. To the finances of the country a satisfactory settlement of this question would be most beneficial; and with the exception of placing the Corn Laws on a proper and sound footing, there was perhaps no other question, the settlement of which would be so advantageous to the people in reference to their comforts and habits. But he believed they would find but one point of difference between the two sides of the House. The great objection on the other side was, that by admitting foreign sugar into the consumption of this country we should give encouragement to slavery in the Brazils and other foreign slave-owning countries. He hoped he was not disposed to treat with disregard any really conscientious scruples which might be held by any portion of the people of this Empire, but the more they examined this case, the greater must be their astonishment that any man at all acquainted with the subject could make his stand on that objection. They had been told by the right hon. Gentleman opposite that he was not willing to renew the negotiations with the Brazils, unless the Brazilian government would stipulate for certain conditions with regard to slaves—not stipulations to check the Slave Trade, but affecting the domestic and municipal institutions of the Brazils. He could not suppose the right hon. Baronet could have meant stipulations for the Suppression of the Slave Trade, for, so far as treaties and stipulations upon paper went there was hardly anything for us to require. We had already a most stringent Slave Trade Treaty—the Right of Search both above and below the Line—a mixed Commission to adjudicate—all we could expect, all we could demand, for checking the traffic in slaves had already been given. He had a right, then, to assume, that the meaning of the right hon. Baronet was, that Government recommended to Parliament and the country not to renew the negotiations with the Brazils—above all, not to reduce the duty on Brazilian produce, and to deal with the question in that way in which alone they could hope to place the commercial relations between the two countries on a firm and satisfactory footing—unless the Brazilian government would undertake to make certain laws for the regulation of slavery within their own dominions. Now, he would ask the House to consider, on that the last opportunity, perhaps, they would have of considering before a heavy blow would be struck at our commerce and navigation, whether they could he would not say, as wise and prudent men, but as consistent and conscientious men, take up that ground? He knew how strong was the detestation of slavery in this country, and he trusted England would at all times hold high language to foreign nations in regard to slavery: but to enable her to do so effectually we must take care that foreign nations shall not have the opportunity of saying to us in return, "it is impossible for us to believe that you are sincere in your denunciations of slavery; it is manifest that your argument is pretext and not reason, for we see that you can get over your scruples when it suits your own interests, or when you wish to give support to certain powerful interests in your own country, which you are either unable or unwilling to grapple with. It is easy to make us the victims of your pretended scruples, and to tell us that it is a question of humanity that prevents your dealing fairly with us, when we see that the question with you really is one of protection to class interests." He appealed to the House and the country to consider how the question stood. Sugar was the only article of slave-grown produce upon which we had any scruples at all. Cotton, coffee, and other articles produced by slave-labour were admitted. Under the Tariff of 1842 the Government had given facilities for the introduction of foreign coffee, cultivated by slave-labour, into the consumption of this country to the extent of three millions of pounds. With regard to the Slave Trade question, the bringing the slaves across the Atlantic, it mattered not whether it were for the purpose of cultivating sugar or coffee, except so far as sugar was produced by a more laborious and painful system of cultivation and was more cruel to the slaves engaged in it, and that, therefore, we ought not to encourage it by admitting slave-grown sugar into this country. This, he imagined, must have been the language of Mr. Ellis to the Brazilian government, and this must have been the language which the Members of the Government opposite addressed to the Chevalier Ribeiro, the Brazilian minister in this country. But was this country in the condition to hold such language to the Brazils? Was it in our power to do so? It was well known that if there was one mode of employing slave-labour more cruel and disgusting than another, it was in mining operations. This had been admitted in all countries and at all times. The Roman slave "*Damnatus ad metalla*" was considered to be in the worst position of servile existence. But what had been done by the right hon. Gentlemen opposite in their Tariff of 1842 in regard to this matter? He would say nothing about gold, which was admitted freely. He was aware they could not shut out gold—

> "——perrumpere amat saxa, potentius
> Ictu fulmineo."

Any attempt to shut out gold was absurd because it must be ineffectual. But he would come to the article of copper ore, and he was curious to hear the answer which the right hon. Gentleman opposite would make upon this point. Down to the year 1842 the question of copper ore stood thus:—Foreign copper ore stood, previous to the Tariff, precisely in the same position as foreign Sugar stood in now; it was admitted into this country for the purpose of being smelted in bond, as foreign Sugar now was of being refined in bond for re-exportation to other countries, but the right hon. Baronet (Sir R. Peel) had made a very important and a very proper alteration in reference to English interests in regard to the import of foreign copper ore, by which it was allowed to come in and be consumed here, subject to a light duty. That was a change which he (Mr. Labouchere) had hailed with pleasure, and what had been the result? These were the returns of the effects of that alteration.

Foreign Copper Ore Imported—the quantity on which duty was paid—and the amount of Revenue received thereon in each year, 1837 *to* 1843:—

	Imported.	Entered for Consumption and Duty paid.	Amount of Revenue.
	cwts.	cwts.	£
1837	389,331	67	40
1838	541,266	15	6
1839	603,902	15	9
1840	838,904	112	21
1841	971,935	1,020	56
1842*	997,120	314,180	15,689
1843	1,111,960	1,085,420	64,343

*After the Alteration

He did not mean to say that, to the whole of this extent, or anything like it, the alteration in the law had stimulated the import of copper ore into this country, for at the same time the right hon. Baronet had abolished the smelting of copper ore in bond. But the analogy of the case was apparent. Yet they had departed, in the case of foreign copper ore produced by slave-labour, from the system which they still adhered to in regard to foreign sugar, for no other reason than that slave-labour was employed in its cultivation. The question was a large and important one, if considered in reference to our trade with the Brazils alone; but there was good reason for supposing that it was not the Brazilian trade alone that was in jeopardy. There was reason to suppose that our trade with the Spanish West-Indies, Cuba, and Porto Rico, was equally in danger, and that those islands would follow the example of the Brazils, if we did not make arrangements for admitting their produce; and in deciding the question, it was important to look to the interests of those branches of trade which were connected with the Spanish West India Islands, to which we now exported British produce to the extent of one million. These considerations had led him to the conclusion, that the subject was far too serious to be shuffled off to the end of the Session. If they waited till then, they would see the Sugar Duties Bill passed in the usual course, and the Session close without the expression of any opinion by that House; they would find in November that our treaty with the Brazils had expired, and the Brazilian Government had taken hostile measures, and with fatal effect, against our commerce. If the House of Commons sat by and allowed this, they would be amenable to just complaints from those upon whose interest this fatal blow would have been inflicted. He would appeal, therefore, to those hon. Members who represented the mercantile and manufacturing interests of the country, to join him in urging upon the Government to take the only course which could save those interests from the ruin with which they were threatened—he especially alluded to the representatives of the manufacturing and mercantile interests, hut he did not appeal to them only — his conscientious conviction was, that to those hon. Members who represented the agricultural interest, the question was one of equal importance. He had frequently heard those hon. Gentlemen declare, that agriculture, trade and manufactures, must wax and wane together, and he trusted that they would now act upon that feeling, and not support the Government in a course which, if pursued, must inflict a fatal blow on some of the most important branches of the trade and commerce of the country. He confessed, however, that he had heard the right hon. Baronet (Sir Robert Peel) ask, what interest could the Government have in supporting the British West-India interest against the general interest; and if he did not know that there was some freemasonry carried on amongst certain interests for their own purposes, as opposed to the general interests, he should be disposed to agree with the right hon. Baronet, that they had none. But he found there was, on the part of a large party, who supported the right hon. Baronet's Government, very great jealousy of any advance towards a liberal system of commercial policy. They had heard denunciations proceeding from powerful quarters recently against such a policy, and the determination of that party not to allow any inroad on the good old system of protection and monopoly had been announced. He feared that these denunciations applied to questions of this kind, as well as to the Corn Laws, and that many persons who felt that the present Corn Laws was not defensible in argument were not sorry to see other interests enjoying a smilar protection. The Sugar Duties were looked upon as the buttress and bulwark of the Corn Laws, it was felt that the landed interest and the West-India interest were exactly alike in regard to protection, and must support each other. He should listen with considerable anxiety to what might fall from the Government in the course of the Debate—if they should be able to give satisfactory assurance to the House and the country on the subject—if they could allay the apprehensions which existed so widely and extensively amongst the mercantile and manufacturing classes; and should tell him that his Motion would interfere with the prosecution of such a course, it would not be his duty as it could not be his wish, or that of his hon. Friend, to throw any impediment in the way of the consummation of that which they so much desired. But if they did not receive any such satisfactory assurance from the Government upon a subject which had been already too long postponed, and which could not remain longer in its present state without injury and injustice to the country, he should, in that case, call upon the House to come to the rescue, and he thought they would not discharge the duty they owed to the important interests involved, if they did not, by affirming the resolution he was about to place in the hands of the Chair, convey to the Government and the people their confident belief that the time had arrived when those great interests could no longer be trifled with, and when they must place the great commercial interests of the country on a more satisfactory footing, by renewing the commercial relations upon fair and equal terms, if they could now do so, with the Brazils, and, above all, by altering our customs duties on the chief articles of Brazilian produce, more especially on the great article of sugar, in such a manner as to prove to the Brazils our desire to extend and continue those commercial relations which now existed between the two countries, and which were so essential to the prosperity of both. He would now move,

> "That an humble address be presented to Her Majesty, representing to Her Majesty the great importance to this country of the trade with the Empire of the Brazils, and humbly praying Her Majesty to adopt such measures as may appear best calculated to maintain and improve the commercial relations between the United Kingdom and the Brazils."

Mr. *Ewart* seconded the Motion. The country had a right to complain that no satisfactory result had been obtained from the recent negotiations between this country and the Brazils on the subject of the Commercial Treaty. The Government made no progress in their attempts to put down slavery in the Brazils by negotiation, while they had placed our commercial relations with that country in the greatest danger. This question of the Sugar Duties was important to every consumer in this country. The great burthen of those duties fell upon the poorer classes, who were compelled to consume an adulterated article. The *onus probandi* was with the Members of the Government opposite, to inform the House what result, if any, had attended their negotiations—what their intentions were with regard to West-India interests, and what they proposed to do in regard to the interests of the consumer in this country. He trusted that the right hon. Gentleman would give effect to those sound principles of free-trade which he had already enunciated in a certain periodical publication. As for the right hon. Baronet near him, he knew that he was restrained from acting as his own sense of what was right would prompt him to do by the powerful combination behind him. There were the West and East India interests united, forming a vast "duopoly," which prevented the right hon. Baronet from carrying into effect his own sounder principles.

Mr. *Gladstone:* Mr. Speaker, I trust that nothing will fall from me in the course of the remarks which I am about to make in reply to the observations which have fallen from the right hon. Gentleman who has brought forward this Motion, and the hon. Gentleman who has immediately preceded me, which can justly give rise to the inference that Her Majesty's Government is in any manner indifferent to the importance of the trade which exists between this country and the Brazils. Neither do I desire it to be inferred, from anything I may think it necessary to say, that Her Majesty's Government are perfectly satisfied with the present state of the Customs' law with respect to sugar, if it be simply viewed as a commercial or a mercantile subject of consideration. Sir, I am bound to add that I trust nothing will fall from me which could have the effect of conveying to the hon. Gentlemen opposite, or to the people out of doors, the slightest intimation of the course which Her Majesty's Government may think proper to pursue during this Session of Parliament with respect to any one item of the Import Duties. It is with some regret I state this, because both the hon. Gentlemen who have preceded me have signified it as their intention to draw from the Government some intimation as to their intentions in reference to the law affecting sugar, coffee, and copper. Sir, I am convinced that the good sense of hon. Members will convince them that no person holding office in the Government of this country, who had learned so much as the A B C of his duties, can allow himself, by a discussion which has been promoted at the instance of a single individual, to be led into a declaration of the financial intentions of Her Majesty's Government at an earlier period of the Session than was necessary. If hon. Gentlemen opposite draw any such conclusion from what I may think it necessary to say, I can only tell them that they will draw them upon their own responsibility, and I should wish them to recollect that the chances are decidedly in favour of their being in the wrong. Sir, in adverting to the terms of this address, I must solicit the House to negative the Motion of the right hon. Gentlemen opposite. The language of it raises, and is intended to raise the argument that measures might have been properly taken by Her Majesty's Government for the extension of our commercial relations with Brazil which have not been taken; and likewise on another ground do I ask the House to negative the Motion, namely, the language of the address appears to me to lay down the principle that we are to adopt such measures as may give extension to our commercial relations with the Brazils, absolutely and irrespectively of other considerations, and without reference to the effects which must naturally be produced by such a course. Sir, we have also contended that this subject could not be properly considered on a commercial ground solely, but as one which materially affects the happiness of the whole human race. It is impossible, therefore, for us to assent to the adoption of an address, which—by implication at all events—asserts the very contrary. With regard to the position in which Government have stood in respect to our commercial interests with Brazil, what has already occurred is, I think, enough to show that we are by no means indifferent to the most important interests of the public. The right hon. Gentleman opposite has taunted us to-night because indeed, in the Customs law of 1842, we proposed a change in the law affecting the importation of Coffee from the Brazils, the tendency of which law was to facilitate considerably the introduction of coffee into this country. Sir, it is true that at the time of such alteration in the law relating to coffee, it was announced that another change in that law might possibly furnish matter for consideration at another time. It is true that so far as that change went, it tended to bring Brazilian coffee into this country, but I do not think that a sufficient change was made in that law, to form the foundation of a taunt from the right hon. Gentleman that we had been thus guilty of encouraging an article of slave-produce. If it, however, offers such a ground for comment from the right hon. Gentleman, it also affords a ground for showing, that the Government is not indifferent to the interests of commerce. Sir, there were many other articles of Brazilian production not unimportant in which changes were made in the year of 1842, and it was but just and fair that such alterations should be made. Considering the facilities which we have enjoyed in our trade with Brazil; considering the heavy duties we have maintained on some of the principal articles of Brazilian production, it was thought both just and fair that a reduction should be made in the duties of certain of those articles. The duties on hides, rosewood, and cocoa, with a variety of other articles, secondary articles no doubt, but still not unimportant, were much reduced in 1842. It was also intimated in this House at that period, and it has since been intimated, that the great article of coffee, which constitutes the two-fifths or the one-half of the whole exports of the Brazils, is an article with which the Government was prepared to deal, without making the changes in the law affecting it essentially dependent upon the law affecting slavery or the Slave Trade. I am now only arguing the commercial part of the question. With respect to cotton, it is notorious that the duty upon it is very moderate, when we consider it without any reference to the country from which it is imported. Our manufacturers make their claim to relief from the duty upon this article on the ground of diminished ability to compete with their rivals abroad. I do not mean to say one word here, either for or against this duty. So far, however, as the duty being moderate, and other circumstances attending it being considered, this article of cotton from the Brazils stands in the same situation as cotton from the United States. It has been treated avowedly as a simple question of revenue, and thus it will continue. As to coffee, a slight change has taken place in Brazilian coffee. In the year 1842, a readiness was expressed, with the intention of making it part of our commercial arrangements, to introduce further and very considerable changes in favour of Brazilian coffee. With respect to cotton, the present state of the law is favourable to its introduction; and therefore, although I grant that what I am now urging is no ground for refusing to give further extension to our commercial relations with Brazil if it can be legitimately given, yet it is material to observe that as to a large proportion of the products of that country, no less than four-fifths of the whole exportable products, Her Majesty's Government have given advantages to the produce of the Brazils, and have expressed their readiness to give further advantages. In point of fact, the great difficulty which attaches to this question, is, as is well known, connected with the question of Sugar; but it is not equally well known that the Sugar exported from Brazil at the present period constitutes only one-fifth part of the whole exports of that country. The right hon. Gentleman very fairly and candidly apologised for the defects of his statistics; I should wish to make a similar apology, because the statistics of Brazil are as defective as can well be conceived; but I have taken pains to obtain the reports of the French Consul, which afford the best evidence to be had on that important subject. This paper is a statement of the produce of Brazil, and it appears that on an average of five years, from 1837 to 1841, the total annual exports of Brazil amounted in value to 5,500,000*l.* sterling. Of that 5,500,000*l.*, 2,000,000*l.* was in coffee, 1,540,000*l.* was in cotton, 1,100,000*l.* was in Sugar, and the remaining 1,500,000*l.* in other articles. So that, in point of fact, the article with regard to which we have so much protection is the article of Sugar, constituting one-fifth of the exportable produce of the country. At the present moment, I believe, it is even less than that proportion; but, at the same time, I argue that if a change in our law were to be made, favourable to the introduction of Brazilian Sugar, it would appear, in the table of Brazilian exports, in a larger proportion than it appears at present. As respects the arguments which Her Majesty's Government have always produced with regard to Sugar, it is not necessary, perhaps that I should go at any length into the grounds of those arguments. They were stated very much in detail in the year 1841; and in that year we could not claim altogether the merit of originality as to those arguments, because we took them, in some degree, from the right hon. Gentleman the late President of the Board of Trade, who had used those arguments with his usual force in 1840, although he did not use them so strongly as others had done. We took them also from a high authority of the late Government, Lord Monteagle, who, in 1839, used very strong expressions on the subject; and when my hon. Friend the Seconder of the present Motion proposed a reduction of the Sugar Duties in that year, Lord Monteagle emphatically said that, in the first place, there was the claim of the colonies of this country to a preference, on which he did not think it necessary to give any opinion; and, in the second place, he withheld his assent from the proposal from the peculiar state of Brazil with respect to the Slave Trade, because, when it was known that the Brazils furnished a great market for slaves, and gave encouragement to the Slave Trade, it behoved the House to pause before they gave encouragement to the trade, by creating an additional market. I must confess—although the right hon. Gentleman expressed his astonishment that any man can look into this question, and after looking into it, resist it on grounds connected with the Slave Trade—that I never was made acquainted with a chain of reasoning which appears more clear and insuperable, than that which goes to prove that the effect of the propositions which have been made for the admission of Brazilian Sugar into this country, if worth anything, if not utter trash, will be to enhance the value of Brazilian Sugar, to encourage and extend the production of Brazilian sugar, to give to the planter of the Brazils the inducement to seek the augmentation of the means of cultivation; and we all know that there is but one quarter in which, for the purpose of raising sugar, he can seek the means of extended cultivation, viz., the unhappy land of Africa. The right hon. Gentleman did not attempt to grapple with that proposition; no man has attempted to grapple with it. He taunted this party, or this House, or the country, with its inconsistency; what has that to do with the matter? Does it prove, because you cannot give complete freedom, you are to disregard practical effects? Does it prove, because you may not do some things, you are to refrain from doing others? Does it prove that it is ridiculous, as the right hon. Gentleman seems to suppose, to entertain objections to the admission of Brazilian sugar, on the ground that the admission, however desirable on every commercial ground, must, and would necessarily, at the same time, have a most powerful effect in stimulating the Slave-trade between Africa and the Brazils? The right hon. Gentleman described the opposition, if intentionally I know not, but he described the opposition given to this proposition from considerations connected with slavery, in terms far, very far indeed, from accurate. He stated that it was opposed on the ground that it was not desirable to give encouragement to slavery. I contend, on the contrary, that slavery is but a secondary element in the matter. If slavery stood alone, it would be a very different question from what it now is, considering the course which has been taken. It is not simply a question of slavery, but of slavery fed by the Slave-trade, and by the Slave-trade alone. That makes the greatest possible difference. You taunt us with admitting the cotton of America; but there is no question of the Slave-trade in connection with America. There is no Slave-trade to the United States, there is a traffic in Slaves between man and man in the United States and between State and State, but there is nothing at all analogous to the African Slave-trade; and if you taunt me by showing that in theory there is a traffic in Slaves in America, I say I do not stand on theory but I stand on the question whether an enormous practical evil—an evil of vast extent to humanity—is or is not connected with the proposition? Then my hon. Friend, who has just sat down, said that amongst the questions which he wished to put to the Government, one was as to the course it was intended to pursue as to duties (upon which I am sorry to say I cannot give him the smallest satisfaction), and whether we had diminished Slavery in the Brazils? a question to which I am incapable of giving a conclusive answer. Certainly we have not abolished Slavery in the Brazils; neither have we succeeded in procuring what the Brazilian government would be more inclined to grant if they were less encouraged in resisting—the recognition and adoption of any plan by the Government for the gradual abolition of Slavery in Brazil: but I do say that we have diminished Slavery in the Brazils; I do say that, as compared with the state of things which must inevitably have followed if the proposition of my hon. Friend had been adopted in 1840, or if the proposition of the late Government had been adopted in 1841, we have greatly reduced the extent of Slavery in the Brazils, and we have greatly narrowed the extent of misery connected with the transport of slaves from Africa to the Brazils. There can be no doubt—the figures which show the facts have, I think, repeatedly been brought before the House and the world—that the vigilance of our cruisers has had an enormous effect in narrowing the extent of the Slave-trade with Brazil. In the year 1838 the number of slaves carried into the port of Rio only, amounted to more than 30,000; in the years 1841 and 1842 that enormous number was reduced to 8000 and 9000. And whilst I am on this subject, let me say that in the annals of the British Parliament that man ought to be honourably recollected, he meant General Valdez, who, as Governor General of Cuba, in spite of local prejudices, in spite of inveterate personal interest, in a country where we know not how difficult it is to oppose such obstacles, manfully set his face against the continuance of the illicit Slave-trade in that Island, and through whose means and combinations the Slave-trade between Africa and Cuba is, not indeed altogether, but almost annihilated. It has been an unfortunate consequence of late events that that man, so honourable for his course with respect to the Slave-trade, has been removed from that Island, and another Governor has been substituted, much more likely, I understand, to commit himself to the prejudices and feelings which there prevail. This must be considered a great misfortune. But, although by the vigilance of our cruisers the Slave-trade has been greatly reduced, it is equally notorious that the vigilance of our cruisers has been powerfully and effectually aided by the commercial policy which this country has chosen to pursue—I grant with some commercial disadvantages. There is no doubt that of late years there has been in the Brazils a considerable transfer of estates from the cultivation of sugar to the cultivation of coffee. I say that that of itself is a most important event; not because there is much difference between the cultivation of sugar and the cultivation of coffee, as far as regards the happiness of those employed, but because the cultivation of sugar is mainly labour for adults, and the cultivation of coffee may be carried on by women and children. The transfer of estates from one cultivation to the other is therefore most important as connected with the repression of slavery; and a Committee of this House, appointed in the year 1842 to examine the state of affairs on the coast of Western Africa, says, that not only our exertions in the improved quality and system of our cruisers, but the deteriorated condition of the sugar planters of Cuba and Brazil, is to be reckoned among the causes tending to lessen the Slave Trade. But the Slave Trade, although contracted, unhappily retains its existence, and the smallest relaxation of vigilance on the part of our cruisers, or, as I believe, any favourable change in the commercial policy of Europe, and especially in the commercial policy of this country, tending to encourage sugar cultivation in the Brazils, would revive the Slave Trade on its largest scale. We ought unfortunately, to recollect that we are speaking of a trade, with respect to which it ought to be plainly stated and understood that it is patronised and supported, at all events, by the local and provincial authorities of Brazil. We are speaking of a trade with respect to which it is manifest that those amongst the subordinate officers of Brazil who might chance, from motives of humanity, or from respect to the laws, to set themselves against it are discouraged and dismissed; and the usual course which their immediate superiors, the local and provincial authorities, adopt is to favour it in a most glaring and unfeeling manner. The Slave Trade has, to some extent, revived on the coast of Brazil, in consequence of its becoming necessary, on account of political circumstances further south, to remove or slacken, for a short period, the vigilance exercised in guarding the coast. I do not mean to say, nor have I learnt, that the trade has been extended in consequence of that partial withdrawal to any great extent, but that an increase has taken place even upon a slight change of that description. The slave interest is very much alive and upon the watch for opportunities, and if those opportunities are granted we must expect to see the revival, upon their former scale, of all the atrocities that have disgraced that traffic in Brazil. It is known that Her Majesty's Government, in attempting to negociate with Brazil, did endeavour to connect with the subject of the admission of sugar into this country on more favourable terms, what the Brazilian Government have never, at any time, been inclined to concede—a stipulation, on the part of Brazil, with regard to Slavery. I thought the right hon. Gentleman seemed inclined to admit, that as far as the Slave Trade was concerned, it was a legitimate object of interference. To seek from the Brazils additional guarantees for the suppression of the Slave Trade would have been a reasonable course; but, with regard to any guarantees affecting slavery, I did not understand the right hon. Gentleman to suppose that they were possible. How do we stand with respect to this matter? Is it not the fact that the stipulations into which the Brazils have already entered with regard to the Slave Trade, if faithfully acted upon, are adequate for every purpose?—that it is almost impossible, I believe, for human wit to devise any stipulations relating to slavery and the Slave Trade, which would increase the efficiency of those which now exist? But I remember to have been struck by hearing the noble Lord the Member for Tiverton inquire in this House whether Her Majesty's Government were seeking to obtain new stipulations from Brazil for the suppression of the Slave Trade, or whether they were seeking to obtain new guarantees for the fulfilment of existing stipulations? A more important distinction cannot be drawn, and although I admit the stipulations which exist to be sufficient, and more than sufficient; on the contrary the guarantees are utterly worthless. What are the guarantees which the nature of the case admits of? In my opinion, two only, until a total change of feeling has taken place, are worth having for the suppression of the Slave Trade. One guarantee would be the stoppage of the Slave Trade by extrinsic force—if possible, a blockade force of those coasts on which slavery is carried on. If the slavers could not escape through your guard, that would be a guarantee for the extinction of slavery independent of the Brazils, and not the less satisfactory on that account. I fully admit that if such a thing could be done, it would have a most material bearing on the commercial policy of this country as to sugars. I have not the smallest hesitation in saying, that if it were possible to render the guard on the coast of Africa entirely effective, to seal the coast, and stop the traffic in defiance of the connivance of the Brazils, I do not hesitate to admit that the case of sugar would then be analogous to the case of cotton; it would be a matter of secondary importance; it would become a subject of very great doubt indeed, whether it was any longer reasonable to stand on the mere distinction between slavery and the Slave Trade under such circumstances as these, especially when it is considered that slavery in the Brazils either must be modified in its nature or must be mitigated with a view to freedom, or else it will destroy itself by the waste of life. That is one guarantee, for the suspension of the Slave Trade by extrinsic force; but the only other guarantee that I am aware of, connects itself with measures for the mitigation of slavery within Brazil. If it be not possible to stop the Slave Trade from without, then I do not believe you will get rid of Slave-trade without getting rid of slavery in the Brazils. I do not believe, that as long as there is a state of slavery, and as long as the local authorities connive in carrying it on, it is possible for the wit of man to devise a means of getting rid of the Slave-trade. Therefore, it is not from a curious and factious desire to intermeddle with domestic institutions, that Her Majesty's Government are led to take the broad distinction, and to include not only the Slave-trade and slavery, but it was because the slavery of Brazil is essentially and indissolubly connected with the Slave Trade. If the slavery of the Brazils be so managed and worked as to be in effect a means of maintaining the Slave Trade of the Brazils, then, I say, that the Slave Trade of the Brazils connects itself at once with the question, which is no domestic or national question, but a question almost taking the rank of a question of international law—a question of humanity at large—a question on which every nation in Europe has acquired a title to speak and to be heard, and on which Great Britain has, above all, a title to speak, because she has made the greatest efforts. Having endeavoured to explain that it was from no desire to interfere with the internal institutions of Brazil, simply considered, that Her Majesty's Government did make demands, undoubtedly of a national nature, in deference to unusual and peculiar circumstances, I then go to notice the argument of the right hon. Gentleman, as brought against Government in regard to their inconsistency. He said, that something was done in the case of coffee, and that a willingness was expressed to do more; and that although it might be true, that the cultivation of sugar was a more useful labour, than the cultivation of coffee, yet it mattered very little to the unhappy slave, in the middle passages, whether he were to be carried to the Brazils to cultivate sugar or coffee, as far as the horrors of the Slave Trade were concerned. I grant you that if the cultivation of coffee was likely to have the same effect on the Slave Trade as the cultivation of sugar, the argument would be valid, but the difference is this, that to cultivate sugar, slaves will be carried across the Atlantic; to cultivate coffee they will not, because the cultivation of coffee can be carried on more economically by freemen than by slaves. The cultivation of coffee adapts itself to the capabilities of the family, it is a cultivation in which not only men, but women, boys and girls, can find a place. It does not carry women slaves across the Atlantic—the proportion is only one-fourth; but the cultivation of sugar carries young men, the great mass under twenty years of age, valuable for hard labour, out of whom a few years' labour can be got before they sink into the grave. If you look to the increase of coffee, you will find it is perfectly easy, in the western hemisphere, for coffee, the produce of free labour, to compete with slave-grown coffee. St. Domingo exports 5,000,000 lbs. of coffee. I never heard that there was more difficulty in raising coffee in St. Domingo than in the Brazils, but St. Domingo exports no sugar. If we are to take experience for our guide, I say it does appear it is perfectly easy and practicable to raise coffee by free labour; and it is my firm belief, that if the duty on coffee in this country or anywhere else were to be so altered to-morrow as to stimulate the cultivation of coffee in the Brazils, it would lead to an increased cultivation; but it would be the interest of the Brazils to endeavour to supply the means of that increase by free labour, and not by sending to Africa. He did not dwell mainly on that; he stated the conduct of the present Government as to copper ore in 1842, and made an argument on that subject to which I shall presently advert. But I will say this, if it be true that the present Government had been guilty of the grossest injustice, I care not how gross, in their measure as to copper, would it follow that it befitted the House of Commons to overlook practical questions in connection with the sugar duties? But I deny the inconsistency. The right hon. Gentleman said, that he had an accumulation of facts which rendered his case most triumphant. He said, that if one description of labour was more weary and wasting than another, it was the labour of the slave in mines; he showed that the present Government had so reduced the duties on the admission of foreign copper ore, that whereas formerly there was scarcely any copper ore entered for consumption, yet, that since that period a considerable quantity had been so entered; he said, that we had encouraged the labour of slaves in mines, in order to get that ore; having shown that, he said, "This is exactly parallel to the case of Brazilian sugar; only do for sugar what you have done for copper ore." His argument would be very strong if it were true, but it is altogether wanting in resemblance in the main part of the case. The right hon. Gentleman appears to labour under the delusion that the measure taken in 1842 was a measure passed in favour of the importer of copper ore, to increase the facilities of bringing copper ore to this country. [Mr. *Labouchere*.—It has done so.] I say, that neither was it the object of that alteration to do that, nor has it been the effect. You show me that considerable quantities have been introduced; you have not shown the quantities now entered for consumption. You stand upon that distinction—you will not take into your consideration commercial results—you will not condescend to ask whether it was a favour to the importer of copper ore, but because the form happened to be technically the same as that in which a favour might be granted, you come forward and demand that a similar favour should be granted as to sugar. No doubt the whole quantity imported may have increased, but if the right hon. Gentleman will call for a specification of the countries from which it has come, he will find that there has been no increase upon that imported which is raised by the labour of slaves; on the contrary he will find, that in the imports of ore raised by slave-labour there has been actually a diminution, the fact being that the large quantity came from Chile, where slavery does not prevail. But, Sir, I stand upon the practical effect of the change we effected. The change we made in respect of copper ore in 1842, was not intended to be a favour to the producers of copper ore in foreign countries. Our object was to protect the smelting power of this country by a reduction in the duty, to allow them to compete with the rival manufacturers on the Continent. Still it was not for the purposes of protection alone; it was intended to benefit the Treasury of this country, and in our Treasury the difference has been placed. A great distinction exists between copper ore and sugar. It must be borne in mind, that in regard to sugar we do not grow enough for our own consumption, but that in regard to copper ore we are an exporting country. I will give the right hon. Gentleman the very best authority upon the subject. I hold in my hand a number of letters which I have received from divers places. The right hon. Gentleman has taunted us with doing that for copper ore which we refuse to do for sugar—that we gave great additional facilities to the importation of copper ore; and says he, do the same for sugar. Sir, I hold in my hand a letter from New York, in which the writer states that copper ore is now largely sent to that country for the purpose of being smelted, in place of being sent to England. [Mr. *Labouchere*: Because you have done away with the privilege of smelting in bond.] Undoubtedly; but that is only one disadvantage, and the advantage we have gained is infinitely greater. The intention of the change which we made was to improve the condition of the smelter, or at least that he should be enabled to maintain his position. I believe that he is now in a worse position than he was in 1842, but I also believe it is not on account of the change we made, but is to be fairly attributed to the very depressed state of the markets for his produce. But, Sir, can anything be more vague or unsatisfactory than to say, because you have made a change in the law regulating the importation of copper ore, therefore it is our bounden duty to make a corresponding change in the laws which regulate the importation of sugar, taking no notice of the fact, that by so doing we would give the greatest encouragement to slave-labour, and by a natural consequence to the Slave Trade. Then, Sir, with regard to the amount of inconvenience that this country has suffered, I do not mean to take my stand upon the fact, that the price of sugar has been moderate. The right hon. Gentleman commented strongly on the statements made by my noble Friend, the Member for Liverpool, as to the price. I can only answer for my own estimate, and I leave my noble Friend to reply for himself. In passing I may mention that my estimate—that upon which I founded my calculations—was, that there would be an importation of 207,000 cwts. Now, Sir, that anticipation was exactly verified—the importation was 207,000 cwts. I must admit, that in 1843, the importation was but 204,000 cwts., and I give the right hon. Gentleman the benefit of the difference. But I maintain, that, as on the one hand, if the Government can show that no great inconvenience results from the law in its present shape that is not a sufficient reason for abiding by it, so, on the other hand the infliction of some inconvenience, and the possibility of placing things on a better footing in a commercial point of view, do not justify us in overlooking all other circumstances. Sir, I will not trouble the House with going into the question of prices; but if we take a period of three years since the propositions of the late Government were made, it is no doubt true, that the prices of that period were the most moderate prices of any which have prevailed in this country since the time slavery was abolished—there can be no doubt of the truth of that proposition; but it must also be admitted, that the halcyon days for low prices were in the time of slavery—those were the days for cheap sugar; and the question now raised by the right hon. Gentleman is whether we will again go back to those days, and have cheap sugar from Brazil, and thereby afford every encouragement to slavery and the Slave Trade, which it has been the policy of this country to attempt to exterminate. The right hon. Gentleman wished it to be understood, that the cause of the failure of the mission of Mr. Ellis was to be attributed not to any want of temper or good faith on the part of the Brazilians, but to the dogged resolution of Her Majesty's Government to introduce considerations of humanity, and insist on introducing stipulations concerning slavery, into what was a strictly commercial negociation. Now, Sir, that was not at all the case. It is very true, that Mr. Ellis failed in effecting the object for which he was dispatched. It is true that, among other things, Mr. Ellis was empowered to deal with the Brazilian Government on terms of mutual advantage, and to tell them that they would be admitted to send Sugar to England upon modified terms, on condition that they made concessions respecting the Slave Trade. But, Sir, it was not on that proposition that the negociation was broken off—it was upon a demand made by Brazil. And I consider it due to Mr. Ellis to say that there is but one opinion, both on the part of the British public, as well as on that of the Brazilian Government, that there was nothing in that Gentleman's conduct, or in the ability with which he conducted the negociation, to justify any one in coming to the conclusion that the want of success was attributable to him. The honour, straightforwardness and ability of the hon. Gentleman was acknowledged on both sides. The demand made by the Brazilian Government was this—they said, "We will enter into a commercial treaty with you if you will admit our staple production into the markets of Great Britain at a differential duty"—not of one tenth of the value; "but at a differential duty of one-tenth more than the duty you levy upon Sugar, the produce of your own colonies." The first demand was for an absolute equality—that their Sugar, the produce of African slaves, should be admitted on the payment of the same duty as the Sugar produced by the free labour of Jamaica or Demerara. Remember, not one-tenth of the value, but at one-tenth of the duty. Suppose, Sir, that the duty levied upon Sugar, the produce of British colonies, to be 25*s*., the demand made by the Brazilian Government was, that the maximum of duty to be levied upon the slave Sugar of Brazil should be 27*s*. 6*d*. Sir, if my recollection serves me right, it was upon that demand being made and persisted in, that it was considered utterly hopeless to pursue the negociation any further. Now, Sir, although the hon. Gentleman who seconded this Motion (Mr. Ewart) has declared that he is in favour of an absolute equality on the duties on sugar, either from our own possessions or those of other countries, still I think it is the almost universal opinion of this House and of the country, that so long as differential duties are recognised, there is a very strong claim for protection on the part of the sugar-growers of our colonial possessions. Not on behalf of the East Indies, or on behalf of the Mauritius, where the supply of labour is now comparatively abundant, but on behalf of the West India colonies, where the scarcity of labour has been produced by our legislation. I call for protection, and surely that Legislature which caused the deficiency of labour, will not altogether abolish that protection which they now enjoy, and which I think is their due? I may as well state to the House, because it will be made known in the Brazils, what where the terms which were offered by, and the demands made on behalf of the Brazilian Government. And, Sir, I must say that, whether owing to discussions in this House, wherein our trade with Brazil has been treated as the only one which was worth a moment's consideration, or from whatever other cause I do not know, but the Gentlemen who are charged with the Government of that country are labouring under very false impressions upon that head. They would not allow, for a moment, that a Treaty of reciprocity was a fair and equal Treaty between the two nations. Equality of duties on ships, and equality in respect of duties on goods, placing us on a similar footing with other countries, they conceived and maintained was conferring a great boon upon this country, and they demanded an equivalent for that imaginary boon. Now, Sir, it must be admitted, that with regard to Tariff Treaties, there are always very great difficulties in the way. Whether it arise from ignorance or selfishness—or from our always taking a personal in place of a national view of any question, still there are always extreme difficulties in the way of entering into those Treaties; but that any country should deliberately take up the notion that a perfect equality was granting a great boon to the other party is certainly astonishing; however, that was the case with the Brazilians, and the difficulty appeared to us so great, that we considered it hopeless to proceed with the negotiations until a very great change has taken place in the temper and feelings of the Brazilian Government. When the Chevalier Ribeiro arrived in this country, he made the demand which I have detailed to the House, and as a compensation he offered to negociate with respect to two articles of commerce, certainly of very considerable importance—viz., cottons and woollen goods. The terms he offered were such as to show the spirit in which his Government were determined to act. On the part of the Brazils, he engaged not to tax our woollen goods at a higher rate than 20 per cent.—and upon the cottons of England, which constitutes nearly three-fifths of our trade, he would consent that they should not be taxed over 40 per cent., while he offered us the wide margin of 2*s.* 6*d.* on the respective sugars of our West Indian possessions; on the other hand, he generously offered that upon our coarse cottons—for our exports of that article to the Brazils are all for the slaves, and are therefore, coarse—he consents that they shall not be taxed at more than the moderate impost of 40 per cent., and by the same Treaty, every other privilege which we now enjoy was to be given up into the bargain. And, further, Sir, this Treaty which was to confer such a boon upon us, was to come into operation *instanter*, and abolish the present Treaty, under which we pay only 15 per cent. and are under no restrictions whatever. Now, I have no doubt hon. Gentlemen opposite may suppose that these high duties were to be imposed for the purposes of revenue, and that the 2*s.* 6*d.* differential duty was one of protection. But not even that consolation remains to us, because it appears that under the influence of the wild dreams in which they indulge respecting their power and the importance of their trade, a deliberate determination has been taken to raise a commercial marine in the Brazils, and establish manufactures all over the country. Those duties of 30 and 40 per cent. were not to be raised as a revenue and to meet any financial difficulties—no, they were to be levied for the purpose of protecting the manufactures they were about to establish. The right hon. Gentleman alluded to a statement made by some gentleman holding a situation in Brazil similar to one of our directors to the Board of Customs. I will answer this authority by the dictum of one who may be looked on as the Chairman of the Board. In the month of May, 1843, the report was published, which the right hon. Gentleman lauded as being the production of a rational man. To that report was appended a decree under which the commission was constituted. After the constitution of the commission, however, a law was passed, the object of which was, to create a protective system, and under colour of that to raise a cotton manufacture. And what does the House suppose the standard of protection to be?—60 per cent.! And not only that, but those wise and provident legislators, apprehensive that 60 per cent. might not prove effective, thought it right to provide that in case more was necessary more should be granted? Owing to such demands—to such principles being assumed—looking to what was offered in return for our slight of our own colonies, and to the avowed object of raising up a protective system on the most unequal terms, I maintain the Government was justified—setting aside every consideration of Slavery and the Slave Trade—in regarding as perfectly hopeless negotiations on such a commercial basis. I do not, Sir, mean to say for a moment that there was anything offensive in the conduct of the Chevalier Ribeiro — quite the contrary, but he was fettered; and upon commercial grounds alone, leaving out of sight all those connected with humanity, the terms offered were such that no Minister could entertain them. At the same time, when the right hon. Gentleman expressed an opinion that, while a general Treaty of Imports and Exports was broken off, the two countries should continue their commercial confidence and equality of dealing, he fully assented to it as that on which the Government was prepared to act. Now, Sir, with respect to the future, considering the period of the year at which we are, it is my duty to be silent. But before I sit down, allow me for a moment to allude to what fell from the right hon. Gentleman respecting the Chevalier's visit to France. The right hon. Gentleman said, that Chevalier Ribeiro, failing in the object of his mission to this country, had gone to Paris to conclude a treaty with France. Of course it is very difficult for us to speak positively of anything which is not within our own knowledge; but I have high authority for believing that no treaty has been entered into. Let the right hon. Gentleman, as he talks about the probabilities of the case, let him look at America. America has no scruples on the subject of slavery, therefore, whatever duties America retains must be for the purposes of protection alone. Now America puts on a protective duty of 13*s.* a cwt., and, considering that she grew her own sugar, it was evident she took care of her own subjects. [Mr. *Thornely :* Coffee is admitted free.] Undoubtedly; but I do not think that our proceeding, in respect of the duties on coffee, can ever become the subject of complaint on the part of the Brazilian Government. Let us look again to Germany. The right hon. Gentleman said, he had taken the greatest pains to investigate the subject. It would be unfair to take advantage of any special source of information, which, as a member of the Government, I might possess, against the right hon. Gentleman. But my source of information is that which is open to all the Members of the House, the Library of the House of Commons. If the right hon. Gentleman had taken the trouble to look into Mr. M'Gregor's compilation of tariffs, he would have found in page 47 of the duties of the Germanic Union, that the duty which is levied in Germany on foreign sugar, and which I apprehend is a protective duty, is no less than 27*s.* a cwt. [An hon. *Member:* No; 15*s.*] No; it is 27*s.*, and not only that, but the course of events there of late years has been adverse to the Brazils; for about three years ago the duty was only 15*s.*, but within the last two years the Germanic Union have raised it to 27*s.* Thus there is levied in Germany a protective duty of 27*s.* a cwt. [An hon. *Member*: Not a protective, but a revenue duty.] You may call a rose by any other name, but it will smell just as sweet. However, whether it be a revenue duty or not, what encouragement is it to the trade of the Brazils? I never heard any advocate for protection on this or the other side of the House say that 27*s.* a cwt. would not be an adequate protective duty for Colonial Sugar. In the case of France, the right hon. Gentleman has fallen into a strange and singular error. From the principles of classification on which the French tariff is formed it is extremely difficult to understand it, and I have no doubt that the right hon. Gentleman has lost his way amidst the multiform distinctions with which it abounds. The French have to protect their own beet-root Sugar against their own colonial Sugar and then they have to protect both against foreign Sugar; and they do both pretty effectually. On the beet-root Sugar they levy a duty for the purposes of revenue from 25f. to 46½f. per two cwt., according to quality; and on their own colonial Sugar they levy a differential duty of 20f. to protect the beet-root Sugar, so that there is on French colonial Sugar a duty of from 45f. to 66½f. per two cwt., according to quality. And what is the duty on foreign Sugar? The duty on foreign Sugar is, at the lowest, about 65f. per two cwt. for the lowest quality, to 85f. if imported in a French ship, and 105f. if imported in a foreign ship—so that there is a differential duty against foreign Sugar varying from 21f. to nearly 40f. There is, therefore, not the facility for the introduction of foreign Sugar into France which the right hon. Gentleman would lead the House to believe there is. The French seem to feel the pressure of the system, and passed a law in July which is to begin to take effect on the 1st of August, 1844, to alter it. By that law the duty on beet-root Sugar will be raised 5f. a-year till it reaches 45f., the lowest point at which colonial Sugar can be now entered, and, therefore, about the year 1848 the French will be in a condition to deal with the question as one of simple protection. An effort was made to alter the law about twelve months ago, but it failed, except so far as regards a very modified change. Again, if the right hon. Gentleman refers to the state of the trade between the Brazils and France, he will find, that that trade is as unfavourable to the Brazils as the trade between this country and the Brazils. It is true the Brazils receive advantages from the indirect trade with France, but those advantages are not now much greater than those which she receives from this country, and are not likely to become greater, as the French ships are not so suited to that trade as ours are. The returns show this. The imports of England to the Brazils are to the exports from the Brazils to England as five is to two; while the imports of France to the Brazils are to the exports from the Brazils to France little more than as five is to two. I recal these matters merely because I wish to point out, that as far as respects the duties and the law of France as to Sugar, the Brazils has little more to expect from her than she has from England. The right hon. Gentleman said, that the Chevalier Ribeiro, after the failure of the negotiations here, went to Paris to negociate a treaty there, and then returned to Brazil. It is rash to infer from Signor Ribeiro's going to Paris, that he went there for the purpose of negotiating a treaty; for the fact was, that he had been for many years in Paris as the resident minister for his Government, and was only withdrawn from his ordinary duties to come over here, and when the negotiation failed he returned to resume those duties. It would be a great misfortune if exaggerated apprehensions went forth through this country with regard to the danger of losing the trade with the Brazils. I do not share in any such apprehension; for considering that the commerce of the Brazils depends mainly on British capital, that every important branch of trade there, is carried on chiefly by British skill and experience—(there may be an exception on this article or that)—considering that the Brazils finds the manufactures of this country cheaper and better than those of any other country, I do not entertain the belief that that country will adopt the suicidal policy of excluding British manufactures from her markets. As to raising up a protective system, nothing can be more ominous or extravagant than the report of the Minister of Finance; but I do not doubt but that the good sense displayed by the Commission instituted for carrying out that plan may tend to modify the views propounded in it. The right hon. Gentleman ought to do Her Majesty's Government the justice to state, that the decree and report which went to establish this new protective system, through the medium of an average duty of 60 per cent. bore date in May last, and were adopted as the ground of the Chevalier Ribeiro's mission, so that they could not be ascribed to the failure of that mission. I do not wish to trouble the House further. I hope that I have not done injustice to the argument of the right hon. Gentleman, or to the manner in which he urged it. In that manner I find nothing to complain of; but as to the general grounds of the Motion, I must say, that while I deeply regret the reservations which the Government is compelled to make with regard to the admission of foreign sugar—reservations, however, which are not made, as the right hon. Gentleman said, for the purpose of making of the Sugar Duties a bulwark for the Corn Laws;—for I feel them to be more invidious every year since so many concessions have been made on other points, while as regards the trade of Brazil I admit its importance, but deprecate exaggerated statements of that importance, for I have seen the mischief which such statements produce when they reach places where arguments are not canvassed with the same accuracy as within the walls of the British House of Commons,—while I say I admit the importance of that trade, and will be amongst the first to embrace any legislative means to extend it, yet I am not prepared, and I trust the House is not prepared—whatever may be the taunts of inconsistency thrown out as to the doctrines which particular individuals may have heretofore avowed—to pursue at all hazards and to all extremities a commercial object, and to throw into utter disregard for, I admit, considerations of great practical weight and moment, questions connected with the interests and happiness of mankind.

Mr. *M. Gibson* thought the House, after the statement of the right hon. Gentleman, would feel that his right hon. Friend had a full justification for interference. Indeed, it appeared to him that great part of the speech of the right hon. Gentleman the President of the Board of Trade, had very little connection with the question now before them. The question they had before them was this:—How were they to deal at the present time with the state of their commercial relations with the Brazils? It was not denied that those relations were now in a precarious position, that they were important, and that there was a deficiency of commercial returns from the Brazils; while the exchanges were affected by the difficulty of a direct interchange with that country. These things were not denied; and he imagined his right hon. Friend simply asked Her Majesty's Government now to take them into their consideration, and to pledge themselves that they would immediately and forthwith adopt some measure to bring this state of things to a satisfactory termination. The right hon. Gentleman said, the good sense of Members must inform them that it was impossible that a Minister should state what reduction of duties he meant to make. He could not understand why, if a Minister meant to make a reduction of the duties on Sugar, or any other important commodity, he should not say so. He could understand why a Minister should not be able to make up his mind to a reduction of duties, but he could not understand why, if Ministers had made up their minds, they should not tell the House so forthwith. They had also been told by the right hon. Gentleman, in the course of his speech, a great deal of what France and America were doing, and a great deal of what the Brazils were doing. The defects in the commercial systems of other countries had been dilated upon, but he contended, if the Brazilian commercial system was bad, our own was worse. Although the right hon. Gentleman might disapprove of their having recommended the imposition of 60 per cent. protection on certain interests of that country, he must not forget that our own protection on colonial sugars was something like 300 per cent. Bad as the protective system of the Brazils was, our own was infinitely worse. Bad statesmen and political economists as they were, we had proved ourselves much more faulty. Though they had put on 15 per cent. on our manufactured goods, the Brazilians did not raise up protective systems as we did. Ministers perceived that the Brazilians were not disposed to be so liberal as they ought to be, and therefore they said they would not do justice to the consumers of sugar in this country. Was ever argument heard of so ridiculous or so unjust? As the right hon. Gentleman had thought fit to attack the policy of that country, it would have been more fair in him to have read the whole of the financial report to which he had referred, instead of quoting one passage here and another there, to suit the views of particular individuals. If the right hon. Gentleman had done so, he would have found that the Brazilian Commission actually went the length of recommending that differential duties, as between particular countries, should not be adopted. They did not recommend that the produce of any particular country should be placed at a disadvantage in the Brazilian market, and it was therefore entirely beside the question for them to be concerning themselves with what might be going on in France, Austria, and Russia, or any other country, for the Brazilians had themselves determined they would admit the goods of all countries on the same footing, though they might recommend a general raising of duties. They had heard a great deal of Slavery and the Slave Trade; but he must be permitted to remark that the course taken by Her Majesty's Government, in reference to this question, somewhat resembled the course which the noble Lord, the Secretary for the Colonies, said the late Government took on most questions of public policy—like the game of thimblerig. He thought the present was a case exactly in point. Sometimes they were told it was Slavery, sometimes it was the Slave Trade, so that they never knew under what thimble the pea was. When they urged that Ministers had got all the Treaties against the Slave Trade they could expect to get, that they had obtained all the stipulations which could be offered to them in negotiations, then it was replied that it was not the Slave Trade, it was Slavery they were anxious to put down; but now, when Ministers were charged with making a pretext of the question of Slavery, they went back and told their opponents that it was the Slave Trade against which they directed their efforts. Now, he ventured to say, if they were to look back to the proposition of the noble Lord, the Member for London, they would find that it was Slavery on which the present Ministers had grounded their opposition to that plan. They said they could not admit the Sugar of Brazil and Cuba until they had made some attempt to induce those Governments to put down Slavery, that they must have some preliminary Treaty. He was sorry the right hon. Gentleman at the head of the Government had left his place, because he wished to ask him how he proposed to treat with the Brazilian Government, in reference to the question of Slavery, and with whom he would have treated? Could the President of the Board of Trade tell him that there was anybody or any potentate in Brazil that had the power to put down Slavery and the Slave Trade if they were so willing? Unless the right hon. Gentleman could assure them that there was somebody who possessed that power, with whom did he propose to treat? The right hon. Gentleman could not propose to treat with parties who had no power—he could not have meant to raise expectations that could never be realised and hopes that could never be fulfilled. He would ask the right hon. Gentleman, the President of the Board of Trade, as he was an advocate for putting down Slavery by coercion and the interference of foreign countries — what put down Slavery and the Slave Trade in this country? Was it hostile tariffs? Was it the visits of foreign cruisers on our coasts? Was it menacing negotiations? Nothing of this means was used to put down Slavery in the British dominions. He said it was the formation of an enlightened public opinion in this country, the conviction that Slavery was contrary to every law, moral or divine, and to the principles of religion, that caused the suppression of Slavery, and not those external influences to which the right hon. Gentleman seemed disposed to trust. He would ask the right hon. Gentleman (Sir R. Peel), now that he had returned to his place, to what authority he intended to appeal in Brazil to aid him in putting down Slavery in that country? Did the right hon. Gentleman think that the Brazilian Government or any party in that country could abolish a system which was so interwoven with all the feelings, prejudices, and pecuniary interests of the great proprietary classes in that empire? The right hon. Gentleman surely would not have offered a condition which he knew could not be fulfilled; either he must have known that there was such a power with which it was right and fit to treat, which could put down Slavery, or he laid himself open to the charge of having proposed the reduction of the Sugar Duties on a pretext, and having given rise to expectations which there was no chance of realizing. He would ask the right hon. Gentleman how that public opinion was to be formed in Brazil, which he contended was the only power in that or any other country which could effectually put down Slavery? He (Mr. Gibson) said that a system of coercion, of intimidation, of hostile tariffs, would retard and prevent the formation of such a public opinion. And why? Because it would enlist on the side of Slavery the spirit of nationality, it would induce the Brazilians to forget the iniquity of Slavery, and look at it only as an institution which they must vindicate in order to assert their national independence. But did not every reasonable man in this country know perfectly well it was not Slavery that prevented Government from altering the Sugar Duties? There was not a man, woman, or child in the British dominions who gave them credit for sincerity in this allegation. Why, who were we, to be talking about Slavery? Was it so long since we were slave-owners ourselves? These duties were imposed at a time when we were slave-owners, and were, therefore, clearly not imposed for the purpose of preventing the import of sugar, which was the produce of slave-labour, to come into competition then with the produce of free labour. Perhaps Ministers would tell the House that they would have taken them off, but for their wish to prevent slave-labour from competition with free. He (Mr. Gibson) did not believe they would; he believed their object at first was monopoly, and that it was still monopoly. If they really meant to prohibit foreign Sugars by a duty, why not say so? why not call the duty a prohibitory duty? Why delude us with the idea that some foreign Sugar might come in under particular circumstances, when we know perfectly well that their object was to exclude entirely the Sugar of all foreign countries from coming into competition with the produce of our own Colonies? The right hon. Gentleman did go the length of saying that all the Colonies must be protected. There was another reason, therefore, besides their unwillingness to encourage Slavery. The Colonies must be protected. And why protect them? He wanted to know why the West-Indian colonies were to be protected at the expense of the consumers of this country. He wanted to put a question to the right hon. Gentleman, the President of the Board of Trade, who was a West-India or East-India proprietor himself. If the right hon. Gentleman were to go to Manchester to buy a bale of cotton goods, would he give more than a Brazilian buyer? [*No.*] Well, then, he contended that a Manchester cotton manufacturer should not be obliged to give more for a hogshead of Sugar to a West Indian than he would give to a Brazilian planter. Was his hon. Friend, the Member for Weymouth, prepared that a system should be arranged, so that the West-India buyers should give half as much again for a bale of cotton goods as the Brazilian buyer? If he was not prepared to agree to this arrangement, what justice was there in making the Manchester manufacturer pay half as much more for his Sugar to the West Indians than he would to the Brazilians? If you protected the colonial grower, why not protect the Manchester manufacturer, who was obliged to produce cheap cottons or hardwares, and send to all the colonial markets in the world to compete with foreign producers? You could not protect him; and, therefore, he demanded solely that he should not be obliged to give the West-India proprietor more for his hogshead than he could get it for from the Brazilian proprietor. The protection they now gave was that of particular favoured classes; they could not make it general, and, therefore, they must give it up entirely. He thought the system on which they were now acting was of all protective systems the most unjust and indefensible. His right hon. Friend had mentioned, that 114 English ships came from the Brazils with the produce of that country, of which only twenty-one came to England, while the remaining ninety-three visited the ports of all the rest of the world, competing with foreign ships in foreign markets. Why not protect the ninety-three which competed with foreign shipping, and could get no more freight than the foreign shipowner? The next question that arose was whether this protection did the West Indies any good? It was said the West Indians were in great difficulty and distress. Now, he was prepared to contend, that protection would never extricate them from those difficulties. It had been proved to demonstration, that it was this very protective system, which, by forcing capital into unnatural channels, was the cause of the great difficulties under which they were now labouring. They pretended indeed, that it was the emancipation of the slaves which had embarrassed these Gentlemen, and made it impossible for them to procure a sufficient and continuous supply of labour, and therefere claimed protection for a time until they should be enabled to recover from their embarrassments. He believed it was very generally understood that Emancipation had been paid for. We had given 20,000,000*l.* to liberate the slaves; that account was closed, and could not be re-opened. They said, in addition to that, they must have time. The hon. Member for Dumfries very judiciously asked what time they would be content with? Would they be satisfied with twelve years, with twenty-four years, or with any definite period? No, they would have nothing short of eternity. They would not part with the monopoly as long as they could maintain it. He pitied most sincerely the difficulties under which these proprietors were now labouring, because he believed it was the protective system which had been the means of bringing them into their present difficulties. He would ask his hon. Friend (Mr. Bernal) if he complained of the emancipation of the slaves, whether he would be prepared to go back to Slavery, even as a profitable mode of production? He (Mr. Gibson) would say, that great as the difficulties of the West Indians were, they would be still greater if they went back to Slavery. They would get their labour now more cheaply, and with greater facility, if there were proper arrangements for supplying free labour to the Colonies, than they did under the old system. In support of the view he took of the effects of the protective system in the West-Indies, he would take the liberty of quoting from the *Colonial Magazine,* just published, a passage written by a Gentleman who was a supporter of the right hon. Gentleman's Government, and favourable to protection and restrictive duties, and all the policy on which Government had taken their stand; he referred to Dr. Binns, who had practised for many years as a physician in the West-Indies. This writer said, having previously remarked that several profitable modes of husbandry had been abandoned, in order to cultivate Sugar,—

> "The cultivation of cotton was never unprofitable in Jamaica; but it, unfortunately, was seldom carefully prepared for the market, and, what was still more unfortunate, even when well prepared, it was less profitable than sugar; for colonial Sugar enjoying a monopoly to the exclusion of French, Spanish, and even Portuguese adventurers and capitalists who flocked in hundreds to the West-Indies as the arena of Plutus, in which they were to struggle for a few brief years, and then return to their native land laden with the largest of fortunes, turned all their attention to the sugar cane—perhaps the most unlucky, as it has been to its cultivators the most fatal, of all the products of the tropics. This I consider to have been induced by the monopoly—that very monopoly for which the West Indians so long contended. . But in endeavouring to accomplish this desirable end, a great principle was overlooked, viz., that it is not only hazardous, but positively baneful, to attempt to establish new manufactures by bounties and monopolies, so that, by the greater prospect of gain which the latter present, to induce capitalists to remove capital from one investment to another. Now this false step has never been retraced in the instances of indigo and cotton, and but for a most providential alteration in the duties on coffee, that valuable necessary of life would have shared the same fate. Had this monopoly not been granted to the planter, and had they not adhered to the undue cultivation of the sugar cane, to the exclusion of nearly all other tropical products, without calling the discoveries of modern chemistry in the value of manures to their aid, and without availing themselves of the assistance of the scanty knowledge and clumsy practice of the worst agriculturists in Britain, where, even at the present day, agriculture scarcely attains the eminence of an art, much less a science, they would not now have been so painfully—I may almost add, hopelessly—in the power of their enemies."

Here was the testimony of a Gentleman who had no desire to promote free-trade opinions, and who was well qualified to speak on the subject, from his experience of the industrial condition of the Colonies—and he thought that they had been reduced to their present state by the operation of monopoly. They neglected the cultivation of a great many articles, for the benefits they were to derive from sugar, and now the day of retribution was come, and they were called on to suffer from the past follies of legislation. But former bad legislation was no excuse for present wrongs inflicted on the manufacturers of this country. They asked what they had done that their rights should be sacrificed to perpetuate a system of monopoly which had been productive of nothing but evil. At the time the laws establishing this system were passed, the manufacturing interest was not represented in the House. It was no answer to tell him that the Legislature had committed a great blunder in giving the West Indians protection, and therefore that the labouring classes must be forced to pay a high price for their sugar, and to find employment scarce. If this monopoly was bad, he would call on Government to state why the present time was not as good for abolishing it as any other. He was sure the right hon. Gentleman would not go the length of saying that he would maintain it to all time, or that, as a Minister of the Crown, he would stand by the monopoly. If not, he must be prepared to say, that a time would come when he would do away with it. Then, what time better than the present? Was there anything in the relations of British trade which made it unfit. But they pay so little attention to the complaints of the trading interests. That day he had presented a petition from the Manchester Chamber of Commerce, signed by the President, which stated that "the petitioners had had the conviction of the impolicy of the differential duties on sugar strengthened by observing the disasters that had resulted to our commerce generally, and had seen with increasing alarm the precarious and tottering condition of the important trade in which this country is at present engaged with the Brazils, and which is at present threatened almost with annihilation. The petitioners begged to inform the House that the merchants engaged in this trade had felt the necessity of diminishing their transactions from the impossibility of receiving adequate returns, as by the enormous duty sugar was almost prevented from being brought into the United Kingdom. They stated that the Brazils only laid 15 per cent. duty on the goods imported from Great Britain, while we taxed their produce 300 per cent. They also submitted to the House that the sum paid by the people of this country in excessive duties on coffee was more than the value of all our exports to the British West Indies together, while the remission of these exorbitant imposts would furnish the means of giving increased employment to the labouring classes, as well as greatly add to the comforts of the labouring classes. The petitioners, therefore, feeling the vital importance of our trade with the Brazils, prayed that immediate measures might be taken to restore it to prosperity by an equalisation of duty on foreign and colonial sugars and coffees." He thought no reason could be assigned why obstacles should be thrown in the way of our trade with the Brazils, unless there was some cause of State necessity, which could not exist in the present case. A differential duty diminished revenue, and shackled commerce. He thought his right hon. Friend was entitled to the gratitude of the country for having called the attention of the House to this important Question, and elicited some declaration as to what the views of the Government were on this important Question. Whether the attempt to abolish the monopoly was immediately followed by success or not, he believed that what had passed to-night would lead the country to see the impolicy of the monopoly, and raise such an expression of public opinion against it as no Minister of the Crown would long be able to resist. He begged to call the right hon. Gentleman's attention to the position in which he stood with respect to the Sugar Duties. These were about to expire, and a new Bill must be brought in; but if the monopoly was to be persevered in, and the Bill framed on the principle of exclusion, there were those in that House who would offer it the strongest possible opposition. It was perfectly intolerable that any proposition should be made for the exclusion of foreign sugar from consumption at the present time. This country, with all its increased population and vastly greater number of purchasers, did not now consume more sugar than it had done forty years ago, and the laborious poor were not able to obtain so much as was allowed to a pauper in the workhouse. On every occasion, then, in which the forms of the House would justify opposition, he trusted that it would be offered, and he should be prepared to divide on every clause, aye, and on every word of the Bill. If Ministers should come forward in the teeth of justice, and persist in the maintenance of a monopoly which every principle of justice condemned, and which he knew was working the greatest amount of misery in the manufacturing districts, and depriving the labourers and manufacturers of the full reward of their industry and enterprise. They would not be satisfied, therefore, with a simple division on the amounts of duty in committee, but in every stage, on the first, second, and third readings, on the passing of the Bill, the going into Committee, and on every clause, there were Gentlemen who would take the sense of the House against the Bill, with the view of opening their eyes to the enormity of excluding supplies of foreign Sugar from the country. The slavery delusion had been discovered to be a hypocritical pretext; the Anti-Slavery Society itself would not support it; they were against the system of having war cruisers on the coast of Brazil, and they would rather see their doctrines spread by the spirit of religion than at the point of the bayonet—by commercial intercourse than by hostile negotiations. There was no support any longer to be looked for in the country on this ground; Liverpool would give none. He challenged the noble Lord to go to Liverpool and tell his constituency that his real reason for opposing the admission of foreign Sugars was, that he did not like to encourage slavery in Brazil. The noble Lord (Lord Sandon) must know that his constituents had given their opinion that this was a transparent and hypocritical pretext, and that he could no longer be considered, in that House, the representative of the opinions of the merchants, bankers, or manufacturers of Liverpool. If they were to analyze the poll books of the borough of Liverpool, they would find that the noble Lord and his Colleague are not the representatives of the majority of the shopkeepers, and traders, and manufacturers of that place; but of a class of men who did not adhere very steadily to any line of opinion, and whose ruling principle was that of voting for that party which paid the best. He did not accuse any body of excessive bribery and corruption; but he told the noble Lord that the value of his opinion upon this subject was very much lessened by the fact, which he (Mr. M. Gibson) believed to be the case, that the sentiments of the majority of the Liverpool people were very much changed in regard to this question. He believed that free trade doctrines had made very great progress in this country, and the noble Lord would probably find that he would have occasion yet to make some very great modification in his opinions upon this subject, to meet the views of his constituents. He begged to remind the noble Lord, now that the Sugar duties were again about to come under consideration, that he would be expected to take a very active part in the discussion upon that question. He would be called upon to express a decided opinion as to whether or not he would be a party to laying a duty upon an article of very great luxury, almost amounting to a necessary for the working classes, which should exclude it from their use, and at the same time shut out the produce of British manufactures from markets which would otherwise be open to them. On the other hand, he challenged the noble Lord to show that the restrictive system had had the effect of keeping the West India proprietors out of embarrassment; he challenged him to show that it had been of any service in the cause of humanity, as related to the matter of slavery; he challenged him to show that this system did not operate as an injustice and a hardship to the great body of the working classes of this country. The ready answer upon all questions of this kind, whether the Corn-laws or the Sugar duties, was always employing emigration or immigration. When the population was said to be out of employ and starving, the answer was, let them emigrate. When the Sugar market was inadequately supplied, the answer was, let an immigration of free labour take place into the West Indies, and the produce will be greater. Thus these political economists must alter the distribution of the whole human race, before they could arrive at the accomplishment of their peculiar views. They would do anything rather than follow the doctrine which had been enunciated by the right hon. Gentleman opposite himself, of buying in the cheapest, and selling in the dearest market. In fact, the protective system, the pet doctrine of the party opposite, was at the root of all the commercial evils of the country. In the matter of Sugar, he denied that immigration could do anything to remedy the deficiency which existed in the market at the present moment. The only chance which remained was to excite a spirit of competition in the minds of the West India proprietors, by throwing open the market. It was the interest of the growers not to produce largely, but rather to obtain increased prices by keeping down the supply. Lord Elgin, the Governor of Jamaica, had said in one of his reports that he considered that if the proprietors were to put forth increased exertions they might produce half as much again as they did at present. This was, he thought, a fair statement of the case of the West India proprietors; but he hoped that the noble Lord, who expressed a hope that West India proprietors should go out and live upon their estates, did not mean to say that they should wait for any amelioration in this matter till those Gentlemen thought proper to do so. This was a question of right; and whether amendment in the supply was eventually to be obtained by means of immigration, or by the residence of proprietors upon their estates, he could see no reason why they should wait for an act of justice, namely, the equalization of the duties upon Sugar. He gave notice that he should endeavour by all means to obtain this measure of justice, and that he should give every possible opposition to a continuation of the present system of wrong and monopoly.

Viscount *Sandon* regretted that the hon. Gentleman who had just sat down should have thought it necessary to mix up with the discussion of a question of importance like the present, the little petty politics connected with the representation of Liverpool. He thought the hon. Gentleman might have spoken upon this great commercial question without raking up all the petty tattle, to be heard only in the worst society of Liverpool upon this subject, which was one almost of a personal nature. The charges which the hon. Gentleman now made he had made more than once before, and they had been more than once contradicted. The hon. Gentleman had charged him with having been elected by what the hon. Gentleman was pleased to call the venal portion of the population of Liverpool; and he had more than once informed the hon. Gentleman that he had been elected by a majority of the whole population of that town, and with that he was content. He was once told by the hon. Gentleman that he was not elected by the majority of the merchants of Liverpool: in answer to which he would appeal to the names of all the great mercantile firms connected with the Exchange and the Commercial Rooms, and who were ranked amongst his supporters. He had thus very briefly noticed these accusations —he trusted it would be for the last time, and that the hon. Gentleman would not again force before the House personal questions of this kind. He believed, however, on the present occasion, that the hon. Gentleman had been forced upon this line of debate, by the impossibility in which he found himself of answering the speech of the right hon. Gentleman the President of the Board of Trade, for a speech more satisfactory and more exhausting upon every branch of the question it would be impossible to conceive. It embraced the whole question, both in its commercial relations, and as it affected the question of humanity. The hon. Member for Manchester alleged that the alteration of the Sugar Duties would throw open an extensive market for our manufactures. On the other hand, the right hon. Gentleman the President of the Board of Trade showed that even if they were to go so low as to leave a balance of only 2*s.* 6*d.* in favour of our colonial sugars, the cottons of Manchester would only be admitted into Brazil at a duty of 40 per cent.. Nor was this a boon so great and so important to the manufacturers of Manchester that it was worth scrambling for, in opposition to a great principle of policy which had been adopted with the general consent of the nation. The hon. Gentleman challenged him (Viscount Sandon) to go down to his constituents at Liverpool, and tell them that he advocated the continuance of the present duties upon principles of humanity. Now he believed, that were he to do so, the result would prove that the opinions of the people of Liverpool were unchanged upon this question, and that they had a strong horror of the encouragement of the practice of slavery, in common with the majority of the community. The fact was, he believed, that the hon. Gentleman was in the habit of mixing in society of a peculiar character, and that he was led at last to believe that the noise and the buzzing which went on around him was the voice of truth. He believed, that the feeling of the great body of the people of this country was unchanged as to slavery, and that if they were appealed to on that subject at another general election they would unequivocally declare it; and he believed that that feeling was so deep-rooted, that mere considerations of pounds, shillings, and pence, would not induce them to sacrifice it. The proposition made by the noble Lord the Member for London, some two or three years ago, would have actually brought the price of sugar to within two or three shillings of what it was at present. Now, he asked, was it worth while to commit a great act of iniquity for the sake of so small a consideration? As to the present state of the market, the case was not so strong for an alteration of those duties as it was at the time when the right hon. Gentleman himself (Mr. F. T. Baring), as one of the Government thought it his duty to impose these very duties. The right hon. Member for Taunton had taunted him with the inaccuracy of his estimates upon this subject. But the fact was, that the right hon. Gentleman had attached much more importance to them than he had ever thought of doing. All that he had pledged himself to was, that the price should never become a starvation price; and he was fully borne out in this, for ever since the period when he spoke the price had been falling. He admitted, that the importations from the West Indies had exceeded his estimate, and he was glad to find it was so; and with proper management the importation might be still further increased. The fact was, that they had the choice between the immigration of free labourers into the West-India colonies or the importation of Sugars the produce of slave-labour into our markets, and he trusted that the feeling of the country would make no hesitation as to which to accept. He admitted, that the state of the Sugar-market was by no means satisfactory. He thought the price of 63*s*. an extravagant one; but still it was defensible at present upon the score of the abolition of slavery. Hon. Gentlemen might laugh at motives of humanity, but this was not the fashion some years ago. The question was, whether the admission of Brazilian Sugar would not be a boon and encouragement to the employers of slave-labour. He maintained, that it would be, and upon that ground alone he should be prepared to oppose this proposition.

Mr. *Bright* said, that throughout the evening he had not heard any discussion of this question on its real merits, namely, the effect which it had upon the great body of the consumers of this country. Hon. Gentlemen opposite had tried to put the House upon a false scent, and had talked of the discouragement of Slavery, as if that was the great cause nearest their hearts. But it was somewhat a drawback to the force of these arguments, that the right hon. Gentleman, the President of the Board of Trade, who had used them, was of a family which in former times had been connected extensively with the practice of Slavery. He meant to make no charge against any individual, nor as to any particular acts. He believed that nothing had been done by any of the Gentlemen of that family but what any person who had slaves was necessitated to do; but still the right hon. Gentleman and his family notoriously belonged to a party which had always supported the principle of Slavery, and had kept slaves as long as public opinion in this country allowed them. The noble Lord, the Member for Liverpool, had spoken of the strong opinions entertained by his constituents in regard to this question. Now he recollected that the hon. Member for Evesham, who was sitting beside the noble Lord, had some time back delivered some lectures in Liverpool in support of the cause of Slavery, and that the only parties who supported him in that enterprise were those who supported the noble Lord at his election. He was aware that the Anti-Slavery Committee had sent some kind of memorial or report to the Government against the reduction of the duties on foreign sugars, but he knew also that in this course they had not been supported by many of the Anti-Slavery Societies in the provinces. The Hibernian Society, as well as the Societies of Glasgow, Liverpool, Birmingham, Manchester, Hitchin, Devizes, and many others, had dissented from the Central Society on that very ground, and the Society in consequence of this fatal error had fallen into complete helplessness. From his own experience, he (Mr. Bright), having visited almost every borough in England during the last few months, could safely say that anti-slavery notions would not be a hinderance in the way of any Gentleman who came forward in favour of Free-trade opinions. He declared that he could only express disgust and amazement at the manner in which noble Lords and hon. Gentlemen spoke of the Africans in the Brazils, while entirely overlooking the famishing population in their own manufacturing counties and agricultural districts. Who were they who had scruples about the introduction of Brazilian Sugar into this country? Not the poor, but the rich; and yet the rich were amply fed out of the short supply of that article before the poor could obtain a share. If the President of the Board of Trade, or the noble Lord, the Member for Liverpool, had no scruple to use other productions of slave-labour, how came it that they had a right, by reason of their conscientious scruples, to deny to five out of six of the population a supply of sugar, though coming from the Brazils? Treaties had been spoken of as between this country and the Brazils? Suppose the Brazilians would allow British goods to go into their country without any duty, what effect would that have upon the Government, or upon the Sugar question? They had already almost an open market with the Brazils. The Brazilian Government had done for this country almost everything they could do; they had placed only a duty of 15 or 18 per cent. upon British goods, and yet our trade with that country for many years past had been diminishing. The benefit of the existing Treaty had been destroyed by sacrificing the national good to class and selfish interests. The right hon. Gentleman alluded to the fact that the East Indies and the Mauritius would not long require protection, but that the West Indies would require it, because labour, from its scarcity, was so very dear. But the planters of Jamaica were themselves to blame for any scarcity of labour there. The climate of Jamaica was favourable to Negro population, and yet their numbers had, instead of increasing, greatly diminished. It had been stated, on good authority, that if negro emancipation had been postponed for fifty years, under the treatment of the planters of Jamaica, not a single negro would now be in existence. The cruelty practised was so great, the food so bad, the labour so long and heavy and barbarous, and their sufferings so appalling —that the whole negro race would have been exterminated. Therefore he thought it was a bad argument, that because the negro population of the West Indies was diminished, the people of this country should be robbed of between four and five millions annually to support the sugar monopoly for the benefit of those Colonies—a monopoly that worked injuriously, not only to the consumers but to the trade of the country at large. But it was useless to argue this question. There could be no two opinions upon it that the West-India planters derived the same advantage from this monopoly which the landed proprietors of this country sought from the Corn Laws. Of this the right hon. Gentlemen on the Ministerial Benches were as well convinced as he was. They knew that this was merely a question of self-interest, and the country knew it too. However the monopolists might have hitherto succeeded in deluding the people, yet the fact having at length been found out, they might depend upon it there was intelligence and virtue enough in the country to put an end, not only to this, but to every other monopoly by which the people were suffering. He remembered that in the debate on the late Irish State Trials, an argument was put forth by a right hon. Gentleman in justification of the manner in which the Jury was constituted, in this form:—The right hon. Gentleman said, that if he were to bring an action of trespass against a sportsman for galloping over his estate, could it be considered fair that the Jury should be composed of fox-hunters. Now, "You," said Mr. Bright, "have galloped over my estate—you have galloped over not only my interests, but over the interests of 500 or 600 persons I employ, and who are deeply concerned in the prosperity of the Brazilian trade; you have disregarded the vital interests of several hundreds of working men, by whose suffrages I am permitted to speak in this House. I am here, it is true, on my own account. I do not dispute it; but I am here also on their account, and I am pleading before you, not a fox-hunting Jury, but a monopolist Jury; and I am endeavouring to show you that myself, that my workmen, that my neighbours, and my constituents are oppressed by the system you support." Who denied this? The right hon. Gentleman, the President of the Board of Trade, did not say a word about it. He knew a great deal better. The right hon. Baronet (Sir R. Peel) must have envied, proficient as he was in the art, the dexterous manner in which his right hon. Colleague evaded the real question at issue. I never heard so many words put together with so much smoothness, at the same time entirely avoiding the only question in discussion. What did it concern the people whether the Whigs or the Tories were the more culpable? It was not enough for the country that the present Ministers could prove that the Whig Ministry was as bad as themselves. The country did not return Members to that House merely for the purpose of ascertaining that the Whigs were no better than the Tories. No; they were returned for the purpose of discussing these great questions, and for the purpose of settling them without favour or regard to any partial faction or interest whatsoever. Now, you monopolists all hang together. You are discussing the question of Sugar tonight, but it is the same interest, whether it be Corn, Sugar, or Timber. [Colonel *Sibthorp*: "Oh, oh."] I believe that sound came from the gallant Member for Lincoln. I met a large number of farmers at Lincoln, and I asked one of them, who objected to the repeal of the Corn Law, what he would do with the Sugar Duties, supposing the Corn Law should be repealed? "Why," said he, "I would repeal it to-morrow." What! total and immediate?" "Certainly," said he, "total and immediate." I asked a sugar planter on the Ministerial side of the House, who was only a sugar planter, what he would do with the Corn Law if the Sugar monopoly were to be abolished? "Why," said he "sweep it away immediately." "What! total and immediate repeal?" "Yes; certainly." Thus it appears that neither of these interests really cares one straw for the rest, any longer than they all work together, and, therefore, I charge all the monopolists—whether of Corn, Sugar, Coffee, or Timber—with combining to uphold a most iniquitous system, regardless of the duties they owe to their constituents and to their country. And what—continued the hon. Member—was the condition of the country now? Was it a matter of indifference to the Government that our trade with Brazil should be any longer sacrificed? Had they so soon forgotten that two years ago 200,000 working men came out of their houses in Lancashire asking this question of the Government, "What do you mean to do with us?" He (Mr. Bright) lived among them, and knew them well. He knew that it was by reason of their industry that the rents of the landholders had been doubled. Whenever distress existed in the manufacturing districts the revenue of the country declined. No state of agricultural prosperity ever yet maintained the revenue of the Kingdom, and unless the Government regarded those districts with a more favourable feeling, he could tell them that consequences would some day come, for which they would have received but a small compensation from the Corn Law or the Sugar Law. In addition to this there was Ireland. Could a great question like this, affecting as it did an extended and extending population, be discussed without taking into consideration the condition of Ireland? No doubt hon. Gentlemen would gladly forget that subject, but circumstances would not permit them. They must have the fact pointed out to them that there existed in Ireland two millions of people who were in the condition of absolute pauperism. This possibly was a matter of indifference to hon. Gentlemen on the Ministerial Benches. He (Mr. Bright) could make great allowances, considering how they had engaged themselves during the recess, for their not being aware that two millions and a quarter of the people of Ireland were paupers. Now, the Brazilian trade was capable of employing a vast number of the population of Lancashire, and that population was very greatly increased by the people of Ireland, who were driven from their home by the brutality of the landlords of Ireland. He had at this moment many families in his employment, who could give horrible and appalling accounts of the circumstances under which they were driven from their country. With all that pauperism in Ireland—with a million of paupers in England and Wales—and with an enormous mass of poverty in Scotland—it was astonishing that a Government who professed to feel for the sufferings of the people would aggravate, instead of seeking to alleviate, those sufferings by still further depressing that trade which alone could afford them employment. The average wages of the agricultural labourers in many places did not amount to more than 6*s.* a week. Let the hon. Member for Dorsetshire get up and quote the statement from the pamphlet of the hon. and Rev. Godolphin Osborne upon that point. He (Mr. Bright) did not give them the authority of a Leaguer. The Rev. gentleman was no member of the League. He wrote "honourable" before his name, and therefore, it might be supposed that he was connected with the aristocracy; and he bore the title of "reverend," which showed that he was connected with an Establishment which was not particularly democratic in its tendencies, and yet that gentleman thought himself justified in making public a most appalling state of things, existing amongst the agricultural poor of Dorsetshire. ["Question."] Question! Yes it would become a question indeed some day, if it was not already a question. It might be even now important that some steps might be taken to ascertain the cause of the deep-seated discontent in the agricultural districts. This discontent, this poverty, this lowness of wages, and the crime and outrage upon property that existed in those districts were so great that the farmers were nearly all obliged to keep private watchmen on their farms and estates. Was it denied? Look at the newspapers. Did not almost every newspaper from the agricultural districts give appalling accounts of incendiarism, and did they not state that Mr. So-and-so was obliged to appoint persons to watch his property. Now, he maintained, that this terrible calamity of pauperism, want of employment, and destitution, existing in Ireland, and spreading through the agricultural and manufacturing districts of England, was chiefly owing to a want of trade arising from that system of monopoly which the House appeared to be determined to keep up. And for what? To protect class interests. But it was the business of that House to disregard those class interests, whether they were those of West-India planters or of landed proprietors: and if the right hon. Gentleman and his Colleagues had any sort of wish to be called Statesmen, and not the mere Ministers of a class—they would feel it to be their bounden duty to see why the great mass of the population of this country were so suffering and so injured, and if there were power and intelligence in the Representatives of the people to devise some measure by which a remedy for those evils might be adopted. Neither he nor the people had any interest in dear corn or dear sugar, neither had they any interest in dear cotton goods, for dearness is not necessary to good profits and wages. He was fully persuaded that those who maintained the existing system of monopoly wholly mistook their own interests as well as the interests of the country; and it was because he thought so that he should support the Motion of the right hon. Gentleman (Mr. Labouchere), and although a majority might now be against it, yet the Ministers of the Crown must not think that they were, therefore, in any way removed from the terrible and awful responsibility which rested upon them when they used to perpetuate a policy so injurious and unjust.

Mr. *F. T. Baring* began by adverting to what had fallen from the noble Member for Liverpool (Lord Sandon) on the subject of a proposition made while he (Mr. Baring) filled the office of Chancellor of the Exchequer. With any remarks upon that proposition he should not trouble the House farther than to say that it was founded upon joint considerations of revenue and trade; he had been told at the time that it would be ineffective, from not making a sufficient reduction in the price of sugars to the consumer, but whether it would have been so or not, the Government had now the means of affording a reduction of duty on all Sugars, which the then state of the public finances would not have allowed. There was, however, one point to which the House would give him leave to advert. It had been used as a taunt against the late Government that the Members of it had changed their opinion on the fitness of protecting colonial Sugar. To this he would reply, that the continuance of the Sugar Duties in 1840 was only a continuance of them for one year; and such was not only the intention of Ministers, but it was distinctly stated to parties representing the West-Indian interest—so much so, that he recollected that it excited a great deal of dissatisfaction, inasmuch as it was asserted that this short renewal indicated that the Government meant ultimately to deal with the question in the way of permanently reducing the protection. The noble Lord (Lord Sandon) had said that he had listened to the speech of the right hon. President of the Board of Trade with great satisfaction. He (Mr. Baring) had heard it with much pleasure from its fluency, its clearness, and the entire absence of irritating topics; but he looked back with anything but satisfaction to one part of the address. From the narration of the right hon. Gentleman he was grieved to learn that the result of the late negotiations had made the case hopeless for the future. The right hon. Gentleman had stated the proposition on the part of the Brazilian Government, and he (Mr. Baring) should probably have concurred in the opinion, that it could not have been accepted by Great Britain. What had been said, however, had left the impression on his mind, that the question had been dealt with at too late an hour. Some years ago, by dealing liberally with the great staple articles of Sugar and Coffee, a better feeling might have been produced in the Brazilian Government towards this country. He now saw, with the sincerest regret, that the Government of the Brazils was about to attempt that course of protection for rising manufactures which he was convinced it would not have pursued if a more liberal policy had been earlier adopted by this country. Never were two Empires better adapted for friendly commercial relations than Great Britain and the Brazils. He was not inclined to overrate the trade of the Brazils; but whatever might be its amount in the present state of our manufacturing interest, it ought not to have been neglected. The opportunity had been lost, and let the offers hereafter be what they might, he apprehended they would come too late. He had heard with satisfaction that the right hon. Gentleman (Mr. Gladstone) entirely gave up the question of Sugar, in a commercial point of view, for he admitted that nothing could be more unsatisfactory than our position with regard to that commodity; but he (Mr. Baring) could not help recollecting, that in the resolution formerly brought forward by the noble Lord (Lord Sandon) the question of the supply of Sugar was also introduced. The question whether this country was sufficiently supplied with sugar, was one of great importance, and to it the right hon. Gentleman would, perhaps, have done well to address some part of his speech. He had watched the Estimates of the Chancellor of the Exchequer on the subject of the supply of Sugar, and although he would not go through the figures, which would be rather a dull process, he might be allowed to advert to some few of the results. The Chancellor of the Exchequer had favoured the House with a calculation applicable to several years, but as to the years 1841 and 1842 it was to be observed that the right hon. Gentleman had been mistaken to the extent of some 1,160,000 cwt., or above three months' consumption. This was no slight error; but with regard to the last year there was apparently some confusion in the report of the speech of the Chancellor of the Exchequer but it seemed that on the whole three years, 1841, 1842, and 1843, there was a deficiency of the promised supply to the extent of above 2,000,000 cwt. or full six months' consumption. It might, however, be urged, that it was of little consequence whether the Estimate were right or wrong, as long as the supply was adequate to the demand; but no man who had attended to the figures could doubt that the consumption of Sugar had been stinted by the smallness of the supply. He would take the average supply of the last five years; the quantity of colonial Sugar imported annually beyond the quantity consumed was only about two days' consumption; this fact of itself seemed clearly to establish that the demand was stinted by the shortness of the supply. That was not all—for the consumption must be compared with the amount of population. Would the right hon. Gentleman contend that the consumption of Sugar had kept pace with the increase of population? Would any man acquainted with the habits of the people of Great Britain and Ireland, assert that the national consumption of Sugar at this moment ought not to have increased in comparison with 1831? When Mr. Huskisson brought forward his proposal on the Sugar Duties, he stated that there was a large mass of the poorer population of the three Kingdoms, which did not use Sugar at all, and such was evidently the case now, when it appeared from the returns, that while the consumption of tea and coffee had increased, the consumption of Sugar had not augmented in anything like the same proportion. The consumption of tea and coffee had each increased about 33 per cent. since 1831, while the increase in the consumption of Sugar in the same period was only 7 per cent. He would take an illustration from tobacco, in which trade there were loud complaints of smuggling and adulteration, and yet what was the result! In spite of smuggling and adulteration the increase in the consumption had been 17 per cent., while as he had before stated, the increase in the consumption of Sugar was only 7 per cent. In fact, every man who allowed himself to view the subject impartially must be convinced that the consumption of Sugar had been stinted by short supply, which short supply had been occasioned by monopoly. The topic of Slavery had been so constantly introduced into this question that it was hardly possible to avoid it; but he would ask, if, on the grounds urged by the right hon. Gentleman (Mr. Gladstone) in relation to Sugar, it was possible to defend all the anomalies belonging to our system of trade? The importation of Copper, for instance, had been mentioned, and the right hon. Gentleman with his usual acuteness, had drawn a distinction in favour of Copper as compared with Sugar. The same ingenuity might, hereafter perhaps, establish some distinction between Brazilian and United States Sugar; but who would say that it was possible fairly and honestly to carry out the principles laid down as to Slavery and Sugar? He had listened to the right hon Gentleman's case as regarded Copper with great attention, but how could the right hon. Gentleman maintain his own principles; for who would now say, when smelted copper was notoriously imported, that no copper from Cuba entered into the consumption of the country. In truth, it was impossible for the right hon. Gentleman to carry out his own principles; and the question, how far foreign countries would give Great Britain credit for perfect honesty of purpose, he had no great difficulty in solving, when he recollected how they universally held that in her proceedings regarding the Slave Trade she had been governed mainly by regard to her own interests. It would be imposible for the right hon. Gentleman to negociate with effect any commercial arrangements if the question of Slavery was to be a bar—how could the hon. Gentleman deal with any article, the produce of the United States, if it were necessary to make similar proposals as in the case of the Brazils. Almost the only commercial treaty the right hon. Gentleman had entered into was with Russia, and though slavery, strictly speaking, did not exist in that empire, still the system of serfs in Russia seemed almost to render it necessary upon his own principles, that the right hon. Gentleman should require of the Czar certain regulations to ameliorate the condition of the serfs. The right hon. Gentleman stated that he particularly objected to slavery in the Brazils, because it encouraged the Slave Trade, and he knew of no possible means of getting rid of the Slave Trade but by the abolition of slavery. According to the right hon. Baronet (Sir R. Peel) last year some immediate measures were required for the amelioration of the condition of the slaves, with a view to the ultimate abolition of slavery. He did not mean to speak with the slightest disrespect of those who, in this country, entertained a strong feeling on the subject of slavery. On the contrary, he entertained the highest admiration for the motives which influenced them; and it was the duty of every man to do his utmost to get rid of such a scourge to human nature. But was the proposed condition likely to produce the slightest effect? Supposing the Brazils had accepted the offer of Great Britain; suppose it had undertaken to introduce immediate measures for the amelioration of the state of the slaves with a view to the ultimate abolition of slavery, how would it be possible for this country to take care that the measures were carried into effect? It might be well to obtain treaties, and to procure the insertion in them of articles in themselves adequate to the end, but how could Great Britain make sure that the articles would be observed? Were they to leave it to the Brazilian government to take measures for the amelioration and ultimate abolition of slavery. Had we not an example? Our Treaties for the Abolition of the Slave Trade were perfectly adequate, why were they not effective? Because the slave-trade was encouraged by the authorities of the Brazils—we could not put it down without the honest co-operation of the Brazils? Did they suppose that a mere treaty with the Brazilian government would carry into effect a new arrangement, while we could not enforce stipulations already existing with all our exertions, with our armed steamers, with our cruisers, and with all our means? How, then, could they enforce any stipulation as proposed to the Brazils, were we to interfere? Was there seriously any intention of such a proceeding? Would they propose to send protectors of slaves to be established throughout the Brazils? Were there to be a minister and consul for the purpose of constantly hearing complaints in the Brazils on the subject of slavery, and carrying them to the government of Brazil? Would they propose to adopt a system so much calculated as that must be to promote quarrels, and hostility, and bad feeling towards England? Would that course, he asked, be called one that was at all likely to lead to an increase of the popularity of England in Brazil? But he would put a case to illustrate that. When we had in operation the system of slavery in the West Indies, would it be permitted that a foreign country should become the protector of that population, and by treaty give them a right to do so? Would it be permitted that they should have such privilege secured by treaty, and that they could constantly make representations to their Government, and complain of us that we had broken faith when we refused to do as they should ask? So strongly did he feel on the subject, that he believed if such a treaty were entered into on our parts as gave such a right of interference when slavery existed in our West-India colonies, it would have had the effect of uniting one of the most powerful feelings, namely, national pride, with slavery, and postpone for a considerable time, instead of advancing its total abotition. At that late hour, and seeing the hon. Member for Dover opposite apparently so anxious to express his opinions on the subject, he should not trespass longer on the attention of the House.

He could not, in conclusion, refrain from expressing a hope that the right hon. Gentlemen opposite, if they saw that the Sugar Duties must be altered, would be wise in time, and that they would not in such case refuse a measure which might have been with more success introduced two or three years ago—that they would not postpone till too late adopting a course calculated to preserve and strengthen the relations between England and a most important country.

Sir *R. Peel*: Sir, I promise the House to make no observations not immediately bearing upon the question before the House, and I also promise the House to imitate the general tone and temper employed by the right hon. Gentleman who last discussed the subject. I will not even follow him in his criticism upon the failure of the Estimates of Chancellors of the Exchequer, which has become, by the way, rather a favorite subject of late with the right hon. Gentleman. Nor will I stop to inquire whether he be himself at all open to any recrimination. I hope all future Chancellors of the Exchequer may be as free as my right hon. Friend; for, indeed, I know no one to whom the right hon. Gentleman's strictures may more aptly be applied than to himself. Nay, don't challenge me to the proof, because I really do wish to imitate the general tone which this debate has taken. One word also, with respect to the observation of the right hon. Gentleman—that it was particularly unfortunate that we did not, some time since, adopt a more liberal policy with regard to the West Indies. The right hon. Gentleman repeated this statement three or four times. At first he dealt quite in generalities; but towards the close of his speech; when he began to warm, he became more definite, and fixed the period as "the last two or three years." If the right hon. Gentleman had given a little more space, and had said three or four years, so as just to have included 1840, it would have been much better. That was the year in which two right hon. Gentlemen opposite, offered a most strenuous opposition to the proposal of the hon. Gentleman who seconded the Motion of the right hon. Gentleman, and it might have been fairer to have included that year. With respect to the criticisms of the right hon. Gentleman upon the Estimates of the Supply, I would say, upon the whole, that I think he is hardly warranted in the statements which he made with respect to the diminished consumption of sugar. With the permission of the House, I will refer to the statistics; for if we were to determine without reference to figures in these matters of a financial and commercial nature, and were to indulge altogether solely in that which might excite the largest share of interest, I fear we should never come to a satisfactory result upon the question. Just let us look at what has been the consumption of sugar in this country. Take the quantity of sugar taken out and retained for home consumption, for that is the fairest way of judging. From the year 1837 the quantity was—

			Cwts.
In the year	1837	..	3,954,767
—	1838	..	3,909,600
—	1840	..	3,592,518

In 1841, certainly, the quantity was increased to 4,065,724 cwt., but that was on account of the deficient consumption of the preceding year—a great impetus was given to the consumption of 1841 by the falling off in 1840. In 1842 the quantity was 3,876,343 cwt., and last year it increased to 4,045,105 cwt.; being a greater consumption than was ever known in this country at any former period, with the single exception of the year 1841, and the increase in that year is to be accounted for, as I have already said, by the deficient supply of the year preceding. But even in that year the consumption was only 20,000 cwt. more than it was last year. Therefore we have this fact before us, that in the year ending January, 1844, the consumption of sugar in this country was greater with one exception than in any year of any former period. At the same time particular estimates may have failed. We may have been wrong as to the supply from the Mauritius or the East Indies; yet, upon the whole, we have the fact of the greatly increased consumption of last year. Did that increased consumption equally increase the price? On the contrary, we find that

			Per cwt.
In the year	1839	the price was	39*s*. 2*d*.
—	1840	..	49*s*. 1*d*
—	1841	..	38*s*. 3*d*.
—	1842	..	37*s*. 3*d*.

And 1843, the year of the greatest consumption, also coincided with the lowest price, for in 1843 the average price of sugar was only 34*s*. 1*d*. per cwt. In answer to the criticism of the right hon. Gentleman, then, we have these two ascertained facts—that in the last year we have the greatest consumption of sugar, and at the same time the lowest price. Now, I am bound at the same time to say that I do not think this at all conclusive against your increase of the consumption of sugar in this country. I am bound to admit that I think scarcely an article can be named the reduction of the price of which could add more to the material comforts of the population. I am bound to say, though as the consumption has increased, the price diminished, that forms no conclusive argument against a still greater increase of the consumption, in consequence of a still greater diminution of the price. At the same time I must ask hon. Gentlemen not to press as an argument against us that the supply has diminished and the price has increased, whereas the fact is, that the supply has increased and the price diminished. My statement is borne out by a comparison between the year 1842 and 1843. Of course, there has been a slight increase of population, but I have not taken remote periods. The right hon. Gentleman asks the House of Commons to vote an Address to Her Majesty, "representing to Her Majesty the great importance to this country of the trade with the Empire of the Brazils, and humbly praying Her Majesty to adopt such measures as may appear best calculated to maintain and improve the commercial relations between the United Kingdom and the Brazils." It is very extraordinary that the House of Commons should say, that one in particular of all the countries of the civilised world should be represented to Her Majesty as of great importance in respect to trade. I do not undervalue the importance of trade with the Brazils, though I think it is rather exaggerated. But why should the House of Commons select that of all countries in the world for the purpose of making an Address to Her Majesty? Has it any reference to recent negotiations? If it has, I decidedly object to it, because it appears to imply an approbation of the course Brazil has taken. What are the facts? The manufactures of England being introduced at a duty of 15 per cent the Brazils make this proposition:—"You shall not impose a duty upon our sugar when imported into England which shall exceed by one-tenth the amount of duty you levy upon colonial Sugar; that is to say, if you levy a duty of 10*s.* upon colonial Sugar, we protest against your levying more than 11*s.* upon Brazilian produce. But at the same time we demand that you permit us to raise the duties which are now levied upon British manufactures from 15 per cent. to 40 per cent." That is the proposal of the Brazils, and that proposal we have rejected. But if the House of Commons does not intend to take the Brazils abstractedly as a country most important, but to affirm that what the Brazils has proposed to us is reasonable and just, then I hope that the House will pause before it does anything that will sanction such a proposition. If there be an opportunity for negotiation between this country and Brazil, I should be sorry to say a word offensive to the Government of Brazil. I trust that better and more liberal feelings may exist; and I will not say a word which could by possibility check or counteract that feeling. But if you want to make Brazil unreasonable, if you want to induce Brazil in her negotiations to insist upon all that she has hitherto insisted upon, then you will pass a resolution which must have that practical bearing. But in what a position will you then place the Executive Government? I presume that the House is not going to take that step. But if the House of Commons thinks it wise to fetter the Executive Government with a resolution, with an Address to the Crown, which, if it means anything, implies an approbation of the course persisted in by one party, and that the adverse party, in what position shall we be placed? Will not the Brazils tell us, "You are fettered by a resolution of the House of Commons. Here is a resolution, not expressly stating, but certainly implying approbation of our course"? I earnestly advise the House to leave this matter in the hands of the Executive Government, and not to encourage the Brazils to persist in unreasonable propositions, and tie up the Government from acting freely according to circumstances. The House of Commons is invited to affirm this resolution upon various arguments, some of which have, I think, been effectively answered by my right hon. Friend. The right hon. Gentleman opposite warned the House in a solemn and emphatic address, and drew a sad contrast between the conduct of Germany and England. He said, "See what a course the Zollverein has taken. There is your great competitor. Contrast the facility which the Zollverein gives for importations from Brazil with your system!" The right hon. Gentleman invited the House of Commons to vote for this Address upon the assumption that the Zollverein imposed a duty of only 15*s.* per cwt. upon Sugar imported from the Brazils. The answer of my right hon. Friend was —"You are wrong. The duty is not 15*s.* but 27*s.*" The right hon. Gentleman talked of the Treaty recently concluded between France and Brazil. I know that a statement to that effect has been made, probably for the purpose of creating an effect in this debate this night; and the contradiction will perhaps have as little effect to-morrow. I can only state that, as the Minister of England, I cannot positively deny that such a Treaty has been signed in Paris; but this I know, that no notification of any such Treaty has reached this country, and that it is wholly unknown to the French Ambassador here. Those who recollect the difficulties of France on this question will be able to form an opinion upon this point. I must say that a bolder statement was never made by man than that of the Member for Manchester. He said—"I give you warning that the manufacturing and commercial classes will decide against you in imposing any discriminating duties on Sugar the produce of slavery and free labour. The Anti-Slavery Society is decidedly adverse to you. They condemn the whole system of intervention by force for the suppression of the Slave-Trade. Your armed steamers are odious; and we do not want to encourage morality by war." I had an idea that I should hear that argument brought forward; and if I had been asked to name the man who would adduce it I should have named the hon. Gentleman. Now, here is a document which I myself received from the Anti-Slavery Society within the last month—and I hope the hon. Gentleman will permit the Anti-Slavery Society to speak for itself. It runs thus:—

> "The Committee of the British and Foreign Anti-Slavery Society deem it their duty at the present moment to lay before you their sentiments in relation to a subject intimately connected with the great object of their pursuit—the extinction of Slavery, and the consequent cessation of the Slave Trade throughout the world."

I am perfectly ready to admit, that a part of this communication confirms the statement of the hon. Gentleman, that the Society is not in favour of armed means to suppress Slavery, and I will read the passage which bears upon it:—

> "As for armed intervention and treaty stipulations, all experience shows that without having effected, and without holding forth any promise of effecting, the abolition of the Slave Trade, they have immeasurably aggravated the ferocity and destructiveness of it." "Under the influence of these considerations," (it goes on), "the Committee present their definite and earnest request to you, Sir Robert, as the head of Her Majesty's Government, that a measure may be prepared for admitting free-grown produce from all parts of the world into the British market, on the same terms as the produce of British possessions."

It concludes by saying—

> "In any event, however, the Committee cannot but desire that no relaxation of existing duties on the produce of slave-labour shall be allowed. It is enough, the Committee think —it is far too much—that Great Britain now does by her unparalleled commerce to sustain and foster this gigantic evil, and it is time that her course was in the opposite direction; but, at all events, it may be hoped that this country will be spared the dishonour, and the world the misery, of any further aggravation of this horrible system by our means."

This is a communication from the Anti-Slavery Society, which, the hon. Gentleman told the House of Commons, was much too wise to seek to inculcate morality by means of discriminating duties between the produce of free labour and that of slave labour. [Mr. *Gibson:* I do not admit that that Committee represents the sentiments of the Anti-Slavery Society.] I thought the hon. Gentleman left an impression on the House that the Anti-Slavery Society objected to discriminating duties. Well, all I will state further upon this document is, that it bears the venerable name of Thomas Clarkson. I very much doubt whether the Anti-Slavery Society would disclaim the sentiments expressed by him, and, I apprehend, expressed on behalf of the Anti-Slavery Society. I do not say that those opinions ought to be binding on the Legislature. I do not mean to attach more weight to them than they deserve. But I protest against the hon. Gentleman quoting the authority of the Anti-Slavery Society in support of his views, when I prove upon the authority of the Anti-Slavery Society that their views are entirely opposed to his. The right hon. Gentleman who brought forward the present Motion, says, it is an indication to us to make a declaration on the subject of the Sugar Duties. If that was his object, why did he not express it? If his object was to recommend a reduction of the Sugar Duties, why did he not speak out? why had he not resolution enough to say so? Had he done so, I admit that I should not have considered myself entitled to accept of the invitation. I should not have considered it my duty to enter into a detailed consideration of our relations with Brazil, or anticipated a discussion which may properly take place when the subject comes again before the House; the right hon. Gentleman having given notice, that unless we consent to place the duties on Brazilian Sugar and Sugar the production of Cuba on precisely the same footing as that on colonial Sugar, he will offer opposition to every stage, to every line, to every word of the Sugar Duties Bill. I do not apprehend that in that course he will receive the support of hon. Gentlemen opposite, for in their last proposition they established a discriminating duty between Brazil and colonial Sugar. The right hon. Gentleman thought that prohibition ought to be avoided. He thought the prohibition much too high; but I did not hear him contend then, or since, that there ought to be no distinction between Sugar the produce of our colonial possessions and Brazilian Sugar. I ask what could be more injudicious than to propose the same rate of duty on the produce of foreign countries, where the Slave Trade is practically and notoriously carried on, as on the produce of our own possessions where we have abolished slavery? As for the Government wishing to protect a monopoly, I fully admit that the Government and the Legislature, so far as individual interests are concerned, have a perfect right to deal with this question of Sugar; but where we have a Colonial Empire I don't think we ought to be called upon to disregard all the social considerations which are connected with the subject. The hon. Member may say that there is only one question to be decided, namely, the interest of the consumers, or whatever will tend most to cheapen the price of Sugar; but I doubt whether that is the most economical view of the subject. I doubt whether, disregarding all considerations, being reckless of all consequences, and supposing your course to involve our Colonies in distress and anarchy—I doubt whether you can release yourself from the moral obligation imposed upon you, or whether by the adoption of that course you would be consulting a true economy. To say that the interest of the consumer is to be alone attended to, opens a very grave question; and I will say to the hon. Member for Durham that if his principle be good, we should have made no effort whatever for the extinction of slavery; because if you revive slavery in your own possessions you will have Sugar cheaper. If cheapness be the only object, why do we go to an immense expense for the purpose of enforcing the observance of Slave Treaties? or why do we not allow our own Colonies to import slaves? When they did so, Sugar was cheaper than at present, and you were not only enabled to supply this country, but had a surplus. To say then that the consideration of cheapness and the interest of the consumer is alone to be attended to is an impeachment of every act you have hitherto attempted with a view to extinguish the horrors of slavery and of every shilling you have expended in the prosecution of that object. We are now about to adopt a different plan for the extinction of the Slave Trade. We admit to the Anti-Slavery Society that our efforts have hitherto been in a great measure unavailing, and that whatever force you may station on the coast of the Brazils, even though it should remain there, it is nevertheless difficult to prevent the landing of slaves by thousands and tens of thousands: for the authorities connive at it, self-interests are too powerful, and the Treaties are not fairly executed. It has been suggested to us by Captain Denman, whose exertions are entitled to universal thanks, and whose suggestion is founded upon his own local experience of the coast of Africa—that without increasing our force we may act much more efficaciously for the suppression of the Slave Trade than we are doing at present. What he proposes is to establish a blockade of the whole of that part of the Western Coast of Africa from which slaves can be taken, in order that a constant guard be kept upon that coast. He as well as some local authorities gives it as his opinion that by withdrawing from the coast of the Brazils and the West Indies, a considerable portion of the force now employed there, and stationing it on the coast of Africa, by having steamers at the mouths of rivers, and by visiting every part of the 600 miles of coast—their opinion, and my confident belief is, that by this course we shall be more successful in suppressing the Slave Trade and preventing the evils and horrors of the passage, than by any course that has hitherto been tried. That experiment we are about to try, and God grant it may succeed. I trust the House of Commons will be influenced by higher and more honourable feelings than those expressed by the hon. Member for Durham. Looking to the course which we have pursued, at the sacrifice we have made in taxing this country with 20,000,000*l.* for abolishing slavery in our own dominions, I do trust that this House is not prepared to follow in the wake of that hon. Gentleman, and to admit the proposition, that every shilling that has been expended in mitigating this great moral evil, has been unjustifiably expended, or that we ought to look at no other consideration than what the price of Sugar is to the consumer. There was a time when persons of that hon. Gentleman's persuasion — for the honour of the persuasion I say it—when the members of that persuasion would not have uttered such sentiments. Nay, I am perfectly certain, that there was a time when they would, to a man, have disclaimed such a doctrine. Last year we passed an Act prohibiting the employment of British capital for the production of articles in which slave-labour was concerned, and to prevent a British subject so employing capital from recovering any debt that might be due to him. We are now about to try a great experiment to prevent the spread of slavery in Africa; but if you are prepared to admit Brazilian Sugar into consumption in this country, pass what laws you please respecting British capital, you will at once have a great aggravation of the evils both of slavery and the Slave Trade. The hon. Gentleman says, that we cannot guarantee that the Brazils will act upon our regulations; but I think I can suggest a mode by which much may be done towards the ultimate extinction of slavery. Suppose the Brazils consented that after a certain day all children of African negroes born in that country, should be free—suppose they consented that some means should be taken, by a mixed commission, for instance, for the purpose of insuring the enjoyment of that privilege to those actually so born, or suppose the commercial privileges granted by us depended on their adherence to this regulation—supposing these things, it is surely not impossible to conceive modes which might lead to the extinction of slavery, without that constant, perpetual, and vexatious interference with the domestic legislation of another country, which I fully admit is open to great objection. Sir, I shall forbear troubling the House any further at present. Opportunities will arise for a further discussion of the subject, not merely on the Sugar Duties, but I am bound to say, it may be discused when the time arrives for a general view of the financial state of the country, without waiting for the expiration of the Treaty or its renewal. When my right hon. Friend brings forward the Budget, he will declare to the House his intentions with regard to the Sugar Duties. I shall at present abstain from all reference to that point, wishing, with my right hon. Friend, that no inference may be drawn from my present silence, reserving to the Government entirely the power of taking its course with respect to those duties as with regard to any other duties; but this I will say, that, as the existing treaty with Brazil will expire in the course of November next, I do hope the House of Commons will by a large majority, negative a proposition which can have no other effect than to encourage the Brazils to demand from us concessions which we believe to be unreasonable, and to prevent us from exercising that unfettered control which the Executive Government ought to have in negotiations with other nations.

Viscount *Palmerston* said, it was not his intention to detain the House long in discussing the question, which, he thought, had been brought by hon. Gentlemen on the other side within a very narrow compass. But he must, in the first place, vindicate his hon. Friend, the Member for Durham, from the unjust attack of the right hon. Baronet. The right hon. Baronet imputed to the hon. Member for Durham, that the line of argument he had used proved that he was insensible to the cause of humanity in reference to the Slave Trade—that he dwelt only on the economical advantages which would be conferred on the country by abating the price of Sugar 1*d.* per pound, and that he no longer entertained those sentiments which he and those belonging to the Society of Friends had heretofore professed on the subject of slavery. He

(Viscount Palmerston) appealed to the House whether anything which his hon. Friend had uttered could justify that imputation. If the Government were as sincere in their desire to suppress the Slave Trade, as he was persuaded the hon. Member for Durham was, its extinction would be effected sooner than was at present probable. The right hon. Baronet had been pleased to pay an ironical compliment to his right hon. Friend, the late Chancellor of the Exchequer, upon his ability in framing Estimates; but the compliment might be well returned by his right hon. Friend, because his right hon. Friend could not attempt to compete in this respect with the right hon. Baronet; but to return to the question. As he had before said, it had been put on very narrow ground, because all those hon. Members who had spoken from the Treasury Benches had abandoned the financial argument. The right hon. Baronet said, that the consumption of Sugar might be greater in one year than in another; but even the right hon. Baronet had not contended that the supply from our Colonies was as great as the consumption of the country demanded, or that our consumption was as great as it would be if more facility were given for the exchange of foreign Sugar for British commodities, by which the trade of the country on the one hand, and the comforts of the lower classes on the other, would be greatly extended This was the position advanced by his hon. Friends, and he was not going to add anything to the conclusive arguments which had been advanced by them. But the question had been reduced by the Government to a question of negotiation. He stated on a former evening, that in the Speech from the Throne, in the beginning of 1842, the Government departing from the usual custom by which negotiations are seldom adverted to unless they are terminated by treaties, had announced, that they were negotiating with several Powers, and that they trusted those negotiations would end in arrangements that would tend to increase the commerce of the country. He stated on that occasion, that they had never heard with what Powers those negotiations had been carried on, nor what had been the result thereof; but it now appeared that the negotiation with the Brazils was one of them; and he should certainly like to hear, on a fitting opportunity, what the others were. This negotiation with Brazil, to be sure, had not been conducted either with great success or dexterity. The right hon. Gentleman who had answered his right hon. Friend at once, as it appeared to him, threw over as advantageous, those treaties which were termed tariff conventions. He seemed to aquiesce in the opinion of his right hon. Friend that such arrangements were difficult of accomplishment, and that it was better to confine ouselves to more general treaties. Stipulating for reciprocal equality in regard to duties on navigation, and placing the contracting parties respectively on the footing of the most favoured nation. But the right hon. Baronet at the head of the Government had throughout the whole of his speech argued the matter as if the object of the Government had been to obtain with Brazil, a Tariff Treaty and a Tariff Treaty alone; upon this material question, therefore, the Members of the Government seemed to entertain very different opinions. It was stated that the government of the Brazils had made some very unreasonable proposals. He thought the proposals stated by the right hon. Gentleman as having been made by Brazil, were unreasonable terms, and such as the Government were right not to accept; but if the late Government had been allowed to go into a negotiation with the Brazils in 1841, upon the footing on which the Government of that day meant to negociate and proposed to the House to enable them to negociate, it was not assuming too much to say, that they could have negociated on much better terms, and they would have found the Brazilian government in a better temper for entering into a Treaty than it was now, after so long a delay. At that time, the existing Treaty had three years to run; but the Brazilian government knew now that it would expire in November next, and it is obvious, that on that account, they were more likely to have negociated on reasonable terms then than now. He could only say, that although the late Government were not furnished by Parliament with the means of going into any detailed negotiation with the Brazilian minister in this country, yet judging from the language of that minister, he thought that if the British Government had then been able to hold out a fair prospect that the prohibitory Duties on Brazilian produce would have been reduced, the Government of Brazil was not indisposed to enter into just arrangements, as between the two countries. But when last this question was discussed, between the present Government and the Brazilian Envoy, the British Government appears to have made the commercial arrangements depend upon the prospective abolition of the condition of slavery in Brazil. It was argued last year by the Government, that it would be improper to admit Sugar, the produce of slave-labour; but now they shifted their ground, and it was not the Abolition of Slavery, but the suppression of the Slave Trade, at which they aimed. He was willing to meet them on that ground. What this change of position might indicate as to their future measures he would not inquire; if it was to be a step towards the relaxation of the restrictions on trade, he should be glad; they did not state what their intentions were, but perhaps those who had heard them might be able to form some shrewd guess on the subject. But the course pursued by them in their late negotiation was not consistent with their present argument. Their object is now stated to be to make the admission of Foreign Sugar conducive—not to the abolition of slavery, but to the suppression of the Slave Trade, and yet the proposition which they made to Brazil did not touch the Slave Trade; but was intended to effect an ultimate abolition of slavery—for they proposed that the government of Brazil should enact some municipal law, which should improve the present condition of the slave, and should also lay the foundation for his future emancipation. Still they said, that this proposal was consistent with their present argument, because they asserted that any Measure which laid the foundation for the future abolition of slavery, must tend to diminish the Slave Trade. This would be true, whenever, by such means the condition of slavery would be abolished, but in the intervening time the effect would be just the reverse. For let the House suppose for argument sake, that the Brazilian government had agreed to those terms—what would be the effect of this upon the Slave Trade? Their reason for refusing to admit Brazilian Sugar was, that if Brazilian grown Sugar was imported into this country the increased demand would give encouragement to extended cultivation, which could only be carried on by a greater importation of slaves, and thus a stimulus would be given to the Slave Trade. Now, this consequence would equally have followed even if the Brazilian government had agreed to the terms demanded by the present government. He would admit, that if they could abolish the condition of slavery, the Slave Trade would necessarily cease; but supposing the Brazilian government had agreed to the perspective measures proposed by the British Government—within what period does any man imagine that slavery would have ceased to exist in Brazil? Why the youngest person now breathing would probably not have lived to see the day. And what during that interval would have been the effect produced on the Slave Trade? Why necessarily to increase it. For within the whole interval between that time and some remote period when slavery should be abolished in the Brazils, would there not have been annually an enormous increase in the importation of slaves for the extension of Sugar cultivation? Therefore, he said, on their own showing the proposition of the Government was absurd. He was supposing that the Brazilians had not only agreed to the proposal, but had executed it *bonâ fide;* but what right had they to suppose that? What was their arguments about the Slave Trade? They said they had by Treaty from the Brazilian government, with regard to the Slave Trade, almost every condition that they could ask for its suppression. The first article of the Treaty of 1826 between this country and the Brazilian government for the suppression of the Slave Trade, said that from that time it should not be lawful for any Brazilian subject to engage in the Slave Trade, and that any Brazilian subject having so engaged should be deemed and treated as guilty of piracy. If the Brazilian government had performed the engagements they had entered into with this country, could any reasonable man believe that the Brazilian Slave Trade would not long ago have ceased. If the Brazilian government had dealt with the Brazilian Slave Trade as piracy, it was childish to suppose that it would not long since have been put down. But if the Brazilian government violated their Treaty engagements in this way, could there be any reliance placed on any local arrangements for the administration of Brazilian law for the gradual abolition of the condition of Slavery, from which the right hon. Baronet seemed to suppose such advantages would result. One of the conditions of the Treaty which he had just referred to was, that slaves captured on board slave-ships, and taken into Rio Janeiro, and condemned by the mixed Commission, should be free. Had this condition been fulfilled? Quite the contrary. It was notorious to all the world, that thousands of slaves thus emancipated by the mixed Commission at Rio Janeiro, and whom the Brazilian government was bound by Treaty to protect and maintain in a state of freedom, were as much slaves as those furtively introduced into the Brazils. Therefore, when the Government stated as an objection to letting in Brazilian Sugar, that by doing so it would be lending encouragement to the Slave Trade, and yet asserted that they would have let it in if the Brazilian Government had promised to enact some internal regulations with respect to the treatment of slaves in Brazil, he said, that such a line of argument was utterly valueless, and was a mere pretence set up for refusing to let Brazilian Sugar come into the markets of this country, and was one which any reasonable man should treat with scorn and ridicule. The fact was, that with all this apparent zeal against the Slave Trade and slavery, the real reason and ground of objection was a desire to favour those who were the active supporters of the Government; it was a wish to obtain and secure the support of the West-India interest, which was the real ground of objection to the extension of trade which this admission of foreign Sugar would produce. But they had been told, that, having colonies, this country should not deal with them with too rough a hand, by the enactment of measures which might be good in themselves, but which might have an injurious effect on the social condition of the colonies. This was an argument which was urged over and over again against the propositions here made for the abolition of the Slave Trade, and afterwards was repeated on the question for the Abolition of Slavery. In the latter case this argument was urged with a stronger appearance of reason than it could be in the present case, for it was contended, that by the Abolition of Slavery, a large population of uneducated persons was to be let loose on society who were not prepared for freedom, and who, by their unruly turbulence, might disturb the internal tranquillity of the colonies. But Parliament did not listen to such an argument; and was the House now to admit the principle that foreign sugar should not be admitted to the markets of this country, because the competition that would arise therefrom might be disadvantageous to our colonies? Why, surely after this country had paid such an enormous sum for the emancipation of the slaves in the British West-Indian islands, it was entitled to all the advantages which would result from the trade which would be created from the abolition of the prohibitive duties on foreign sugar. He, therefore, said that the question could not stand on the ground on which the Government wished to place it, and that the conditions which had been demanded from the Brazilian government were perfectly nugatory on the showing of the right hon. Baronet and his Colleagues. The only ground on which they proceeded was, the perpetuating the Sugar monopoly; for the line of argument which they used to justify them in refusing to let in foreign Sugar, was no more than declaring that this monopoly should be everlasting. If they were to wait until they could induce the Brazilians to abolish slavery, and the Slave Trade, he would venture to say that no person who was then a Member of that House would live to see the day when foreign Sugar would be admitted into the home markets of this country. The fact was, that the Government was very liberal in their speeches and in the enunciation of principles, but when they were called upon to put their professions to the test, they fell back on their old prejudices. They told the House that the principles of free-trade were the principles of common sense — that the only sound principle of commerce was to buy in the cheapest market, and to sell in the dearest; but when they were urged to apply this principle, even in a modified degree, to corn and sugar, they fell back on the prejudices of the monopolists, upon whose shoulders they came into office, and on whose support they depend for a continuance of that power which they employ so little for the welfare of the country, and they refuse to adhere to the principles which they had so ostentatiously put forth. The right hon. Baronet had made one objection to the Motion of his right hon. Friend, with respect to which he had no doubt but that on consideration his right hon. Friend would be willing to accommodate himself to the wishes of the right hon. Baronet. The Motion of his right hon. Friend was, "That an humble address be presented to Her Majesty, representing to Her Majesty the great importance to this country of the trade with the Empire of the Brazils, and humbly praying Her Majesty to adopt such measures as may appear best calculated to maintain and improve the commercial relations between the United Kingdom and the Brazils." Why, asked the right hon. Baronet, pick out the Brazils for this purpose? Why do you by making such a selection, encourage the Government of that country to resist a Tariff Treaty which the Government intended to propose to them. Now, he was sure that his right hon. Friend would meet the right hon. Baronet half way on this point, and if it would remove the objection of the right hon. Baronet to this Motion, he had no doubt that his right hon. Friend would generalise his proposition, and would thus remove this ground of complaint. The Motion of his right hon. Friend would then be "That an humble address be presented to Her Majesty representing to Her Majesty the great importance to this country of the trade with 'all foreign states,' and humbly praying Her Majesty to adopt such measures as may appear best calculated to maintain and improve the commercial relations between the United Kingdom and all other countries in the world." He was sure, that if this alteration of the Motion would be satisfactory to the right hon. Baronet, his right hon. Friend would cheerfully agree to such an Amendment, and would receive it with pleasure, as coming from the Treasury Bench.

The House then divided on Mr. Labouchere's Motion: Ayes 132; Noes 205: Majority 73.

List of the AYES.

Acheson, Visct.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Arundel and Surrey, Earl of
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. C.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Busfield, W.
Butler, P. S.
Carew, hon. R. S.
Cave, hon. R. O.
Chapman, B.
Clay, Sir W.
Colborne, hn.W.N.R.
Colebrooke, Sir T. E.
Collett, J.
Craig, W. G.
Dalrymple, Capt.
Dennistoun, J.
Divett, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, T.
Dundas, Adm.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gisborne, T.
Gore, hon. R.
Greenaway, C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Heyter, W. G.
Heathcoat, J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Holland, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, Lord
Howard, P. H.
Howick, Visct.
Hutt, W.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hon. W. S.
Layard, Capt.
Lemon, Sir C.
Leveson, Lord
Macaulay, rt. hn. T.B.
Mangles, R. D.
Majoribanks, S.
Marshall, W.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, G. R.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.
Roche, E. B.
Ross, D. R.
Scholefield, J.
Scott, R.
Scrope, G. P.
Smith, B.
Smith, J. B.
Standish, C.
Stanley, hon. W. A.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Sej.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Tuite, H. M.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Hill, Lord M.
Tufnell,

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Bell, M.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. G. E.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cardwell, E.
Castlereagh, Visct.
Charteris, hon. F.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clive, hon. R. H.
Codrington, Sir W.
Collett, W. R.

Crompton, H. C.
Copeland, Mr. Ald.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquis of
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquis of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hamilton, W. J.
Hampden, R.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge,rt.hon.SirH.
Hayes, Sir E.
Heathcote, Sir W.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jones, Capt.
Kemble, H.
Knatchbull,rt.hn.SirE.
Knight, H. G.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, hon. Col.
Mc Geachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
M'Neil, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Martin, C.
Marterman, J.
Maunsell, T. P.
Maxwell, hon: J. P.
Meynell, Capt.
Mildmay, H. St. J.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mundy, E. M.
Neeld, J.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Ossulston, Lord
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reid, Sir J. R.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, F.
Thompson, Mr. Ald.
Tollemache, J.
Trench, Sir F.
Trevor, hon. G. R.
Trotter, T.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Wilbraham, hn. R. B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, hon. E. T.
Young, J.

TELLERS.
Clerk, Sir G.
Baring, H.

House adjourned.

HOUSE OF LORDS,

Friday, March 8, 1844.

Minutes.] Bills. *Public.*—2ª. Privy Council Appellate Jurisdiction.

Private.—*Reported.*—Marianski's Naturalization.

Petitions Presented. By Lord Brougham, from Antrim, and Ulster, in favour of Dissenters' Chapels Bill.—From Dunbar, respecting Schoolmasters (Scotland).—By the Earl of Haddington, from Haddington and Berwick, against Alteration of the Corn Laws.—From Haltwhistle, for Protection of the Agricultural Interest.

Expense of Prosecutions at Petty Sessions.] The Marquess of *Lansdowne* rose to move for a return of the Fees to Clerks at Petty Sessions, similar to that which had been already agreed to in the other House of Parliament. It had been his intention to have included in that return an account of the Fees paid to the Clerks of the Peace, but, upon consideration, and as that return had not yet been called for in the other House of Parliament, he did not mean on the present occasion to extend the return to Clerks of the Peace; and he should, therefore, confine it to Clerks of Petty Sessions. The returns which he was about to move for had reference to a subject of very great importance to the poorer classes of the community, for he believed that nothing bore more heavily and with greater severity upon the poorer classes, than those demands for fees. He did not mean to say that those who obtained such fees made an unjust demand, or one that they were not entitled to make; but this he could say, that the result of those demands for fees, was, in many cases, an absolute denial of justice to a great number of persons in this country. He could state to their Lordships, from numerous examples of the severity with which these demands pressed on the poor, an instance which happened in his own neighbourhood. A person was committed on a charge of felony, and it turned out, upon investigation, that he had not committed felony at all; but the consequence of his being charged with felony was, that his mother, a poor woman, had been put to an expense of 14*l.*, although her son was acquitted. Another case occurred recently in Buckinghamshire, which forcibly illustrated the effect those demads produced as regarded the poorer classes. Two persons prosecuted for an assault of an atrocious nature; that assault was proved, and the result was a trifling fine upon the person convicted of this aggravated assault, whilst large costs were demanded and obtained from the persons who had the virtue—for it was in that case a virtue—of prosecuting the person who committed the assault. It would have been better for them if they had not prosecuted the man for the assault, but had assaulted him in return, as it cost them so much to prosecute him. Costs, which to their Lordships might appear trifling, were of the greatest importance to the poor who have such insufficient means of paying them. In Gloucestershire, another case of a similar nature happened. A young woman was charged with an assault by a man, but it turned out that he was the offender, and the girl was desired to prosecute him. She did so, and the result was, that in addition to the grievance she had already endured, she was obliged to pay a large sum in costs. The costs, in consequence of obtaining a conviction for the very smallest penalties, were sometimes very large, amounting to sums that never could have been intended by the Magistrates who adjudged those penalties. The noble Marquess concluded by moving for a return from the Clerk of each Petty Session of the Amount of Fees received by him for the last three years; a return of the Convictions during the same period, specifying the Amount of Fine or Penalty and of Costs in each case, the purpose to which the Fine was applied, or term of Imprisonment, and Expense of Imprisonment.—Ordered.

PRIVY COUNCIL APPELLATE JURISDICTION.] Lord *Brougham* said, that in moving the Second Reading of the Bill relative to the Appellate Jurisdiction of the Privy Council, which he had introduced a few days ago, he should address their Lordships as shortly as the nature of the subject and its great importance would permit. His observations would come under two heads,—first, with respect to the constitution of the Judicial Committee of the Privy Council, and next with reference to the object of the Bill then before their Lordships. It was perfectly true, that the Judicial Committee of the Privy Council had given general satisfaction to the suitors, and it was admitted that it was exceedingly well adapted to meet the objects for which it was originally formed. He should first observe upon the constitution of the Committee. It consisted of a certain proportion of Judges, of the present Lord Chancellor, and others who had been Chancellors, of the Chief Justices of the three Courts of Common Law, of the Vice Chancellor, and several other learned Judges, as well as of the Judges of the Admiralty and Arches Court, and they had a power of calling in as assessors certain Judges who had belonged to the East India Bench. That Court had been found to work well, and had been productive of great public advantage in hearing the numerous questions which came before it—questions of very different natures, and often embracing various interests of vast magnitude. In dealing with these various questions the Court was called on, not only to administer the law in Admiralty cases, and cases which came under the law of the Ecclesiastical Courts, but it had also to administer at one time Dutch law, at another time French law, at another time the Roman law, at another time a mixture of those laws, at another the laws and customs of India, and they were called on to do this in cases, such as in our colonies or possessions abroad, where the interests affected were very important. The range of their Jurisdiction was most extensive. Before them came cases connected with the Admiralty Court, the Ecclesiastical Courts, the Equity Courts, and the Courts of Criminal Jurisdiction. Before them were brought affairs of life and of property between man and man. But in every instance they were enabled to consult and to take the opinion of those Judges who presided over these different branches of Jurisprudence. But, independent of causes arising in this country, when it was considered that we had twenty-nine colonies (with their hundreds of thousands of subjects), from which various legal questions were brought on appeal to the Judicial Committee, added to which there was India, with a population which we did not count by hundreds of thousands but by millions, and when it was borne in mind that not only questions as to the right of territoiy of villages but of a whole Zeimandary, with an extent of territory almost amounting to a kingdom—when these things were considered, it was natural to suppose that questions of vast importance and no small difficulty were continually under the consideration of the Judicial Committee of the Privy Council. He recollected it to have been his duty to give judgment in a case where property to the amount of 800,000*l.* or 1,000,000*l.* was at stake. Where interests so great were submitted to their decision, they ought assuredly to render the tribunal as perfect as possible. Now admirably constituted as this tribunal was for great causes by its powers of adaptation, of calling in the aid of any judges most conversant with the subject matter, it was ill-adapted to despatch ordinary business by the way of judges constantly sitting. It was like Addison, who said, he had not a shilling in his pocket though he could draw for a hundred pounds, alluding to his want of conversation on ordinary topics. The noble and learned Lord then referred to the nature of the Bill. It was, he said, calculated to give to the Court a permanent President; but it was calculated to do what was of still greater importance—to supply a deficiency, which he was sure the country would not object to do, and which had arisen in this manner:—When the Court was originally constituted, two Common Law Judges were placed upon the Privy Council and made Members of the Judicial Committee, viz., Mr. Baron Parke, who, in consequence of the present state of business in the Common Law Courts, was unable to attend, and Mr. Justice Bosanquet, who had retired from the Bench, after a most distinguished professional career. The consequence was, that the Committee were thrown upon the assistance of his noble and learned Friend (Lord Campbell) and his right hon. Friend Mr. Pemberton Leigh. Their assistance was entirely voluntary and gratuitous, and to demand it the public had no manner of right whatever. This was a deficiency which ought to be supplied, and which he thought might be done by adding to the Court two Puisne Judges, who could, of course, be moderately paid. Into the details of this part of the case he would not now enter, particularly as the subject would be more properly one for the consideration of the Select Committee. He now came to deal with a most important part of the statement which he had to make to their Lordships. He should say nothing about the addition to the powers of the Judicial Committee of the Privy Council in matters of Patent. The Patent Jurisdiction which had been conferred on the Committee of Privy Council in 1835 had worked well, and all agreed thas it might be advantageously extended in the way mentioned on the discussion of Lord Dundonald's petition the other day. But that was not the only matter being both legislative and judicial in some sort, which could properly be referred to the Judicial Committee. He considered that divorces might, with very great advantage to all parties, and to the public at large, be referred to the Judicial Committee. Their Lordships were aware that at present that Committee formed the last appeal in cases of divorce *à mensa et thoro;* he wished that it should be the tribunal in which cases of divorce *à vinculo matrimonii* should be adjudicated. Divorce was a matter altogether judicial in its character; and though Divorce Bills were called Acts of Parliament, they were by no means like measures of a legislative kind, and should therefore be referred to a Judicial Tribunal. This transfer of the Jurisdiction, under proper regulations, would have the effect of saving a vast proportion of the expence, which now attended the separate legislation necessary for every divorce *à vinculo,* and removing most of the other difficulties, inconveniences, and vexations thrown in the way of an injured husband seeking to relieve himself of an adulterous wife. The Law of England said, that marriage was not to be dissolved, and the remedy at present afforded in cases of adultery was not at all inconsistent with that principle which required a new law to be passed in particular cases and in particular circumstances. But the remedy was at present exclusively confined to the rich; no poor man, no man even of moderate fortune could avail himself of it. England was, in this respect an exception to all other Protestant countries. In Popish countries the whole question stood upon a different footing—the Church allowing of no divorce, because it regards marriage as a sacrament which we do not. Whether in those countries there was less adultery or not he could not say. But of Protestant countries this was the only one where so extraordinary a state of the law existed. In foreign countries where marriage was held to be (as here) no sacrament, and where further it was not held, as it was here, to be indissoluble, the punishment of the adulterous party, and the relief of the injured person, by full divorce, was, upon sufficient proof, available without any great difficulty; and such was the case, also, in Scotland. How stood the case in this country as to full divorces? For 135 years preceding the year 1835, the number of Divorce Bills passed was only 170, an average of only about 1¼ per annum, or five in four years. In the last five years, the number had been much higher, there having been on an average nine every year. Now, if these one and a quarter Divorce Bills, or even these nine Divorce Bills per annum, represented the actual number of cases in which divorce was called for by adultery, the fact would be one of the most gratifying description, and we might well pride ourselves upon the unexampled morality of the English people—but he greatly doubted whether such was the fact. When he looked at Scotland, with a population of only one-eighth that of England, and with a standard of morality certainly not inferior to ours, he found that the average of divorces there, in the last five years, had been seventeen instead of one and a quarter, or fourteen times more than those in England; but did this prove that the people of Scotland were less moral, chaste, and religious than those of England? By no means; it only showed that the expence in the one country was very different from what it was in the other. In Scotland, a divorce *à vinculo*, where the parties resided in Edinburgh, might be obtained for 25*l.*; where the witnesses had to come from the country, it was 35*l.*, or thereabouts. Here in England, such a divorce, when the suit was not opposed, cost from 500*l.* to 600*l.*, or 700*l.*; when opposed, it cost from 1,000*l.* to 1,500*l.*, or 2,000*l.* Now, was this a remedy open alike to the rich and the poor, or was it not rather a remedy from which all but the rich were excluded? As to the previous proceedings in Doctors' Commons, he (Lord Brougham) altogether objected to them as futile and expensive. The interrogatories there were no check to collusion, no sifting of the true merits of the cases, no evisceration of evidence, no security against fraud. As a practical illustration of the gross defects and injustice of the present system, he would mention the case of a professional gentleman who, having the misfortune of an unchaste wife, had first proceeded against the adulterer, and obtained a verdict, and then against his wife, and obtained a decree of divorce *à mensa et thoro*. Every step of the proceeding was attended with difficulty, and vexation, and fearful expence. His expence began with a bill to his own proctor; she, under the advice throughout of her paramour, a professional man, met this by an opposition which run him up another bill, the heavy expense of which had to be defrayed, not by her or her paramour, but by the injured husband, who had to pay the costs both of his own and his wife's proceedings—for such is the law. He succeeded in this stage. The wife then appealed to the Dean of the Arches, at the expense, as before, of the husband, and the husband had to pay the expenses of that appeal—the tables being turned, he being made the defendant, and having here as before to pay both bills. Well; but he succeeds a second time. Then they appeal to the Judicial Committee of the Privy Council; the Court of Delegates and the Commission of Review having been abolished, that Judicial Committee of the Privy Council had become the Supreme Court in such cases. It already possessed an appellate jurisdiction *à mensa et thoro*, but he proposed to transfer to it an original jurisdiction *à vinculo matrimonii*. But, to go on with the case. The husband succeeded again in obtaining a confirmation of the sentence of divorce *à mensa et thoro*, and had to pay for his wife's appeal and his own resistance to it; but by this time his means were so exhausted that he had not the money necessary for coming before their Lordships for that remedy which his wrongs demanded—a full and complete divorce *à vinculo matrimonii*, from a brazen, worthless woman. Nor was this all. During the whole proceeding (and the wife and her paramour had managed, by the aid of the law, to protract it over no less than five years), the same law had compelled the unhappy husband to allow alimony to his wife and her paramour—not to her paramour, certainly, but he, of course, participated — it was, of course, that the husband should allow alimony, so that all the time the guilty parties were actually living upon the means of the man they had so injured. He got rid of this expense, of course, at last, but then he had no 1,000*l.* or 2,000*l.* to prosecute his case before the House of Lords, opposed as it would have been by the other parties, nor even the 500*l.* or 600*l.* which a divorce, even if unopposed, would have cost him. And, accordingly, up to the present time, he was not sure at any moment but that some butcher's or baker's bill might be brought in for "necessaries" supplied to his wife, for such she still was; and though the decision he had obtained would ultimately be a bar to such a demand, yet he might be greatly annoyed in this way. There was another thing to be observed. Suppose—and the supposition was very probable—that an estate in fee simple or fee tail say of 3,000*l.* a year should devolve upon him, and he were to die before he had procured a divorce *à vinculo*, which proceeding would require the best part of a year, in that case, dowry not being barred by a divorce *à mensa et thoro*, the abandoned wife might become entitled to 1,000*l.* a year to spend with her paramour. It was impossible to conceive a more unsatisfactory state of the law than this, one running more counter to all rational principles, sinning more grossly against all justice, more frequently violating every principle of equity which the law ought immovably to adhere to, departing more utterly from that equal justice which should be dealt out between man and man, and equally to all the different classes of the community: more unfair and oppressive towards the poor man, because he is poor; more calculated to shelter the rich man, merely because he is rich. What more certain means of encouraging immorality could be devised than that of sheltering criminals from the consequences of their crimes, and tormenting the innocent sufferer because he has not money enough to purchase the whole remedy which the Legislature would otherwise dole out to him? The very delay, the very waiting for the progress and termination of litigation, was the sure means of perpetuating and propagating the offence, as in the instance of that profligate woman, whom he had mentioned without naming her, who flew in the face of all decency and all truth, and appealed to the Dean of the Arches. What did such persons say when thus attempting to palliate their crime, and to set traps perhaps to get money from the victim of their conspiracy? Upon what did they make their calculations and build their hopes? "Oh! he can't proceed against us—he is not a my Lord This, or a Sir William This, or a Mr. That; he is not a man of 5,000*l.* a-year; he cannot go into Doctors' Commons, or to the Houses of Parliament, and pay away thousands for a divorce Bill. Therefore we can do as we like: and if he proceed we shall get our alimony for five years. It will cost him perhaps 5,000*l.*, and after all he may be foiled in the end." And this was the inevitable consequence of the present system. But to go back to Scotland. Did any mortal man believe that there was more adultery in Scotland than in England and Ireland? It was ridiculous to suppose that. The fact was notoriously the contrary. The crime hardly existed there at all. Yet, with a population of only two-and-a-half millions of people, there were seventeen divorce Bills in one year, and only nine for the rest of the Empire; that was fifteen times more divorce Bills in the one country than in the other. He had consulted with eminent Scotch lawyers, of great practice, and they had assured him that the crime of adultery was of very rare occurrence, and they asserted that there was hardly known such a thing as adultery not visited by a judicial sentence and by the divorce of the woman; an object which in England, except in rich cases, was scarcely to be obtained. Did their Lordships, the Corinthian capital of society, the choice Aristocracy of the land, the Patrician order of Great Britain, think so meanly of themselves and their morals, as to suppose that adultery was confined to their own class? If so, they were unhappily most mistaken in their self-abasement. Constantly were applications made to the legal profession, by persons in the poorer classes, who complained of the infidelity of their partners, often under most aggravated circumstances; but all such were effectually precluded from obtaining justice by the present most unequal state of the law. Why, then, commit the worst of all errors, and carry candour to so ridiculous an extreme as to pretend—for it would be only pretence—that their Lordships and their families were morally more impure in respect to this matter than those who were far inferior to them in society? The case of the poor man was peculiarly hard. Their Lordships could watch over the education and moral training of their families; they could command both the leisure and the means of so doing; but the tradesman, who was compelled to go to his shop, or the artizan, who must attend to his work, was forced to leave the children of his marriage with the woman who had dishonoured his bed, or to strangers and servants, or peradventure, to the care of the parish. Now, the object of the Bill he was introducing was to relieve all those parties who suffered injustice under the existing law; but those parties were not the only parties who ought to complain of the present state of the law. He proposed to transfer the jurisdiction in cases of divorce *à vinculo matrimonii* to the Judicial Committee of the Privy Council, but still to maintain the prerogative of their Lordships' House. The party would be required to present a petition to that House, a petition which would cost nothing, praying the House, with the consent of the Crown, to refer the case to the Judicial Committee. But, he said, their Lordships had a right to complain of the state of the law as well as other parties, for anything more unsatisfactory than the manner in which business of this kind was conducted he could not recollect. In another House the expense was quite as great, but the business was a mere mockery; nobody attended to it. He was told that since he had left that House they had ceased to examine the witnesses as before; a copy of the evidence before their Lordships' House was merely sent in, and it was all a mockery together. If, however, the proceedings were carried on by the Judicial Committee, as he proposed, the effect would be a more close and satisfactory sifting of the evidence, and a greater security against collusion, and perjury, and fraud. That Committee would also have the assistance of the Consistorial Judges, who would discuss the inferior and trifling matter of divorce *à mensa et thoro*, and examine the witnesses *viva voce*, in the presence and through the instrumentality of the counsel for the parties. It would be seen, hereafter in Committee, whether they would require that which he considered as worthless, the divorce *mensa et thoro* in Doctors' Commons. Therefore he had said nothing of it in the Bill, leaving the Judicial Committee to call for that sentence and evidence in the Court there, as their Lordships did, generally speaking, though not compelled to do it. There were other provisions in the Bill. Divorce Bills, in adultery cases, were not the only judicial matters arising out of the present system of legislation. Estate Bills and Naturalization Bills might also be referred to the Judicial Committee with advantage. Therefore there was a general provision to enable either House of Parliament to send to the Judicial Committee any matter they thought fit, with the consent of the Crown, to be obtained by an Address. Undoubtedly, the effect of all this would be a great increase of business in the Committee; but if he was right in holding that the remedy of divorce at present was inaccessible, on account of the expense, and the delay, and the difficulty, then they ought to rejoice in the prospect of entirely altering that state of things, and rendering remedial measures in the cases mentioned easily attainable, and the increase of divorce Bills would be a great benefit as showing that a needful remedy had hitherto been withheld and now was granted to the subject. There were several additional clauses suggested by practitioners which might make improvements in the practice of the Judicial Committee; but he should leave details to be dealt with in Committee. He thanked their Lordships for their attention to his address, and would conclude by asking them to agree to the second reading of the Bill.

Lord *Cottenham* observed, that he should like to hear the opinion of his noble and learned Friend on the Woolsack before he proceeded to offer any observations to the House.

The *Lord Chancellor* said, that after the appeal just made to him by his noble and learned Friend he would shortly state his view of the subject, but in doing so he wished it to be understood, that by assenting to the Motion to refer this Bill to a Select Committee, it was not by any means his intention to pledge himself to the support of the principles involved in it. He would first state his views with respect to the machinery—if he might so term it—of the Bill for the remodelling the construction of the Judicial Committee of the Privy Council. Whenever the subject had come before the House, either when he was in or out of office, he had always stated his opinion to be, that there should be a fixed head to this tribunal; he therefore thought that it would be desirable, that this Measure should be sent to a Committee up stairs, with the view of considering whether such an arrangement should take place, and if so, what provisions should be made. He repeated that he retained his former opinion, that in every tribunal for the administration of justice, there should be a fixed president; and emphatically so in this case, for in this tribunal, where so many systems of law were administered, it was most desirable that a person should preside, who would devote his whole time to making himself master of the various systems of law that came under consideration. At present it was merely a voluntary Court, and the Judges, though summoned, might attend or not, at their pleasure. His noble and learned Friend, who attended that tribunal in a judicial capacity, attended most constantly and zealously to the business brought before them; but it did not follow that this would always be the case, and the time might come when it would become necessary to ask for the appointment of regular Judges in this Court. He, therefore, thought it proper, with regard to this subject, that the Bill should be read a second time and submitted to a Select Committee. As for the question of extending the duration of Patents, he confessed that he had not made up his mind on the subject; and he conceived that the point might well be considered in Committee up stairs. The jurisdiction at present given to the Judicial Committee of the Privy Council with regard to Patents had worked extremely well, and it was well worthy of consideration whether it could not be enlarged with advantage. As for the other and very important question of Divorce, he must say, that it was as important a question as could come before Parliament; and he did not wish to be called upon to express an opinion on the sudden on the subject, as the question was one attended with so many difficulties, that he was most anxious not to go into the subject without having had an opportunity of considering the matter. His noble and learned Friend, however, should recollect, that by assenting to this proposition to refer the Bill to a Committee, he did not bind himself to its support at any future period. The observations of his noble and learned Friend (Lord Brougham) on the subject of Divorce, were entitled to the fullest attention; but till he saw and examined the details of the proposed plan, and had considered how it was to work, and had compared the proposed new system with the actual system, he could not express an opinion on a measure of such vast importance; therefore, as a member of Her Majesty's Government, he was willing to agree to the second reading, and to referring it to a Select Committee, always reserving to himself, and not being fettered by what then took place, as to his future opinion on this important subject. He, however, would caution their Lordships not, on any ground, to part with the judicial authority which they now possessed, or to consent to transfer it to another tribunal, for, if they did, they might depend upon it that their political authority would soon follow in the same way.

Lord *Cottenham* felt glad that he had given way to his noble and learned Friend who had just addressed the House, for after what had fallen from him he considered it would be unnecessary to address the House at length. Although his noble and learned Friend had not stated his opinion very fully on some parts of the Bill, yet with respect to other parts, after what had fallen from his noble Friend, he thought that there was no great danger that this would become part of the law of the land. He cautioned the House on one point of immense importance, namely, the delegating the Judicial Powers of that House to the Privy Council; but he did not touch on one important clause in the Bill by which any question, and almost any matter, might be taken from the jurisdiction of that House and transferred to the Privy Council. By the 9th clause it was proposed

> "That as often as either House of Parliament shall think fit to refer any matter or thing for inquiry before the said Judicial Committee, it shall be lawful for such House of Parliament to present an Address to Her Majesty, setting forth the subject matter so directed to be referred, praying Her Majesty to refer such matter to the Judicial Committee, and being by Her Majesty referred to the said Judicial Committee, shall be inquired of and tried according to the course of the said Committee, and according to any rules and regulations made or under the power hereafter contained to be made by such Committee, and its report on being made to Her Majesty shall be laid before the House of Parliament which had presented the Address aforesaid, and be then and there dealt with as to the said House shall seem meet."

There was no limit whatever to the business thus to be transferred; and although his noble and learned Friend (Lord Brougham) had not stated this to be his opinion, yet he could not help recollecting that his noble and learned Friend proposed something like this in the House on a former occasion. The importance of making such a change might still rest on his mind; and if this Clause should become the law of the land, this House might soon find itself stripped of its Judicial Powers altogether. He would not say more, however, on this point after what had fallen from his noble and learned Friend on the Woolsack, who had so forcibly expressed his opinion as to the effects that would result from giving such a power as was invested in this Clause. There were two points of the Bill which he confessed appeared to him to be proper subjects of inquiry. In the first place with regard to Divorce, he admitted that the law of Divorce as it now existed, or rather the rules acted upon by that House were far from satisfactory. He did not think that an important matter of this kind should be left as it was, and that there should not be a mode of special jurisdiction for every case, by means of a general law, and that parties should then be able to obtain redress without delay, and unattended with its present enormous expense. But, however important it might be to provide a remedy for parties who were suitors in cases of this kind, yet it was perfectly clear to him that, if they provided the remedy which was proposed in this Bill, no redress whatever would be furnished. The objection was not that Divorce was applied by Act of Parliament, but, as was said by his noble and learned Friend, that the expense was so great to obtain redress, that the law was only for the rich, and that the poor were entirely excluded from it. What was proposed in this Bill was, that what was done in that House on questions of Divorce should be done before the Judicial Committee of the Privy Council. [Lord *Brougham:* What was done before this and the other House in every Divorce case.] Yes. The change which his noble and learned Friend proposes in this Bill was with a view to save expenses. Now, was his noble and learned Friend aware of the expenses of proceeding before the Committee of the Privy Council? He (Lord Cottenham) was satisfied, from inquiries which he had made, that the expenses of proceedings in that Court were much greater than was generally admitted, and than the subject required. But what would be the effect of the expenses after the adoption of the Address of both Houses? It must be recollected that there would be the expenses of agents, attorneys, counsel, and witnesses in that and the other House, as well as before the Privy Council; for it was proposed that the proceedings should originate in Parliament. He was not aware whether there were any fees payable in the proceedings before the Privy Council; but there were fees payable on these proceedings in that House. With the exception of fees payable to a very few individuals in that House, the great body of the fees of the House, in Divorce and other cases of Private Bills, did not go to individuals, but to the Fee Fund. Under these circumstances, if the fees were found to be oppressive, and that it appeared that public benefit would result from their reduction, the obvious course to pursue would be to reduce the fees and not transfer the jurisdiction. If the Bill passed in its present shape, and there was to be a double jurisdiction, the expenses of parties would be increased; and above all, if there were many witnesses to be examined. He, therefore, thought that they should not look merely to the expense attending the amount of the fees of parties coming to that House for a Divorce, *à vinculo matrimonii.* He did not dispute that it would be well, in cases of Divorce, to have some general jurisdiction, acting on known rules and adjudicating on fixed principles in all cases of persons coming for Divorces. Unfortunately there was no general law on the subject of Divorce, but for each individual case they had to make a separate law, and Parliament was called upon to pass a separate law in every case of Divorce *à vinculo matrimonii.* If they had a new tribunal for this description of cases, they might in the first instance make rules and orders for the regulation of the proceedings, and ultimately be enabled to frame a code of laws which would be applicable to the subject. At present they had no rules, law, or code on the subject, but they had merely for their guidance some regulations or forms of proceedings to be observed in Divorce Bills coming under the attention of that House. There could be no doubt but that the present evils attending these Bills were so great that it was a very proper subject for inquiry with a view to future legislation. It was to be hoped that the time was not distant when they would be enabled to adopt some general measure, and thus remove the objections which at present existed to the mode of proceeding in cases of Divorce; it was, therefore, not to inquiry into this part of the Bill, or to that relative to the extensisn of the duration of Patents that he objected. The question of the extension of the period of Patents was one which, from its nature, might require continued alteration, as the ingenuity of mankind was constantly being exercised in inventions and improvements, and therefore it might be requisite to adopt new regulations from time to time. He was surprised that his noble and learned Friend on the Woolsack had given his unqualified sanction to another matter involved in this Bill, and which it was not clear to him was a subject that was open to or called for inquiry; he alluded to the part of it relative to the appointment of a permanent head of the Judicial Committee of the Privy Council.

The *Lord Chancellor* remarked that he had not expressed his entire approbation of the Clause in question, but only to the principle of appointing a permanent President of the Judicial Committee of the Privy Council.

Lord *Cottenham* trusted he might indulge in the hope that, after the objections which his noble and learned Friend entertained to other parts of this Bill, that this portion also, to which he had just alluded, would not become the law of the land. His noble and learned Friend (Lord Brougham) was mistaken in supposing that he (Lord Cottenham) had formerly proposed that there should be a permanent head of the Judicial Committee of the Privy Council, and that he had subsequently altered his opinion on the subject. He had certainly thought it would be better to have a permanent head of the Judicial Committee, but he never meant such an appointment as was proposed in the Clause in this Bill. It was proposed in this Clause that they should have three Judges to sit constantly in the Judicial Committee of the Privy Council. Now, what he proposed was this, that a Judge presiding in another Court should be called upon to preside in the Judicial Committee of the Privy Council. Now, when he came into the profession, and he believed for a very long period previously, the Privy Council had an appellate jurisdiction, as at present, in judicial cases from the Colonies and the East Indies, and the Privy Council on such occasions was presided over by the Master of the Rolls. The question then was, as to whether the judicial business of the Privy Council was then carried on in a way to give satisfaction to the public. He would ask, did not the decisions of Sir William Grant and Lord Alvanley in the Privy Council give satisfaction to the public? He asserted, that in the early part of their professional career, Sir William Grant and Lord Alvanley as constantly presided in the Privy Council as in the Rolls Court. [Lord *Brougham* remarked that Sir William Grant did not hold many sittings in the Rolls Court.] He was aware of that, but he wished to explain as to what he had formerly said respecting the appointment of a permanent head of the Judicial Committee of the Privy Council. He had proposed to the House to make an alteration in the establishment of the Court of Chancery, when his noble and learned Friend on the Woolsack strongly expressed his opinion that the then Government proposed to give a much greater increase to the Court of Chancery than was necessary, and objected to the addition of two Vice Chancellors to the Court of Chancery; but subsequently his noble and learned Friend was induced to agree to the proposal. His noble and learned Friend in the centre of the Woolsack [*Lord Brougham was at the moment sitting on the left hand of the Lord Chancellor, on the Woolsack*], then objected to this measure as unnecessary, but suggested that there should be only one additional Vice Chancellor instead of two. The arrangement, however, which he (Lord Cottenham) had recommended was adopted, and under it there had not been such an increase of the business of the Court of Chancery as was anticipated by some, or was of such an extent as to prevent them getting through the business of the several Courts. He believed, as he had stated he had every reason to believe would be the case when he proposed this plan of extending the establishment to the Court of Chancery, that the new arrangement had been such as to allow the Master of the Rolls to sit constantly as the President of the Judicial Committee of the Privy Council; and if this suggestion was adopted, they would have the judicial business of the Privy Council presided over by one who, from the nature of his office, must be a Judge of great eminence and of high professional attainments, and who was in the constant exercise of judicial functions. The extent and nature of the active employment which would be thrown on him by presiding over the Committee of the Privy Council would not be such as to interfere in any way with the Judge sitting in his own court. The great objection that he entertained to the creation of a new appointment as President of the Judicial Committee was, that they would make a new and permanent office for a court which did not sit for more than a few days in the year. He intended to have moved a few days ago for a return of the number of days in which the Judicial Committee of the Privy Council had sat during the last three years, and showing how much business actually came before that tribunal; but he would do so on a future occasion. His noble and learned Friend had observed, that they could not judge by the past as to what would be the future business of the Committee of the Privy Council, if they had the additional jurisdiction which was proposed in this Bill. There was a recent return on the Table of the House of the number of cases which remained for judgment before the Judicial Committee of the Privy Council, and from that he thought that they could form a tolerably good criterion as to whether it was expedient or not to have three permanent judges, with salaries, added to the constitution of this tribunal, in consequence of the probable increase of business before it. If reference was made to the return to which he had just adverted, it would appear, that in the order for the number of cases waiting for judgment before the Committee of the Privy Council, the answer was the word "Nil." Therefore, if they appointed these three permanent judges to form the Judicial Committee of the Privy Council, they would have to sit until some causes became ripe for them to hear and adjudicate upon. His noble and learned Friend said, that it was to be hoped, that under the extended jurisdiction a great number of causes would be sent before it; the question, however, was, whether it was probable from past experience, that such an extent of business was likely to occur before this tribunal, as to justify their creating this permanent change. But there was not only this objection to the proposed new arrangement; they were called upon to appoint three judges to a tribunal, by which it was admitted, on all hands, the judicial business had hitherto been satisfactorily performed. The return, as well as the admission of his noble and learned Friend, showed that the business of their Committee of the Privy Council had been satisfactorily performed; what necessity was there for this change? Was there not then some danger, that if they appointed these three judges to this tribunal, the administration of the judicial business of the Committee of the Privy Council would be left entirely to these three judges, as the other Members named on the Committee would not attend? This, he believed, would be the natural and inevitable consequence of making this change in the constitution of this tribunal. Taking it altogether, there had hitherto been an ample attendance of the Members of the Judicial Committee of the Privy Council, at the hearing of cases that came before that tribunal. His noble and learned Friend had stated, that he (Lord Cottenham) did not give attendance at the meetings of this Committee. Now, he would give a very good reason for not doing so. It was, that there was plenty of attendance at the sittings of the Committee without him, and not having any particular love for the thing, and finding that others gave a more regular attendance, he thought he would not interfere with their pleasures; but he had never failed to attend when it had been suggested to him that his presence would be desirable. The same was the case with respect to his attending at the hearing of Appeals in that House. He always made it a point to attend when he thought that his presence could be attended with the slightest public advantage; and he should appeal to his noble and learned Friend on the Woolsack, whether he had not always attended when it had been suggested to him. Indeed, during the present and the last Session he had attended to hear Appeals in that House twice a week when his noble and learned Friend was engaged in the Court of Chancery; and also when any subject came under attention in which his opinion was required. He admitted, that in consequence of the Judicial Committee being very well manned, he felt that it was useless to attend these meetings of the Privy Council, unless his presence was required. He did not think that any thing had occurred which could justify the House in arriving at the conclusion that there was likely to be any difficulty in obtaining a sufficient attendance of competent Members of that tribunal, under its present constitution, so as to justify them in adopting the plan proposed by his noble and learned Friend. Under these circumstances, then, was it not a most extraordinary proposition to ask the House to appoint three Judges with salaries to this tribunal, which would become, if the Bill passed in its present shape, the highest appellate Court of Jurisdiction in this country, for the judicial functions of the House would cease? It was proposed in this Bill that the chief Judge, as permanent head of this tribunal should receive 2,000*l.* a-year, the second Judge 1,500*l.* a-year, and the third 1,200*l.* a-year as salaries. Now, it was obvious, that from the amount of salaries proposed to be paid to these Judges, and also from the station and professional acquirements which it would be absolutely necessary that those holding such offices, and being called upon to discharge such functions, should possess, that they could not induce persons in high professional practice to accept such appointments; that therefore these offices were to be filled by persons who had retired from high judicial situations, and who were to receive their salaries in addition to their retired allowances. It was obvious that they could not get efficient Judges for this tribunal, if they were only to receive the small sums proposed in this Bill. Of course, he was aware that the insertion of the money clause in this Bill was only a preliminary matter, and that it must be erased previously to sending the

Bill to the other House; but it was obviously inserted to show what was proposed to be done, and he, therefore, was fully justified in making the observations which he had respecting it. His noble and learned Friend on the Woolsack said, that he had only given his opinion as to the advantages of having a permanent head of the Judicial Committee of the Privy Council, although he gave some sort of intimation that in Committee he should propose some other plan for such appointment than was in the Bill. He could not help calling the attention of his noble and learned Friend to the very extraordinary situation in which this tribunal would be placed by the appointment of such a permanent head with a salary. The Judges of this tribunal had not hitherto been permanently appointed to those offices, for at present they must be Members of the Privy Council; and of necessity their being so, and their consequent exercising their judicial functions at this tribunal, must be dependent on the will of the Crown. It was true that the same objection, to a certain extent, might be raised to the appointment of the Master of the Rolls, or any other great judicial officer, to preside as permanent head of the Judicial Committee of the Privy Council. It was true that the Master of the Rolls could be deprived of his seat at the Privy Council, but he could not be deprived of his seat in his own Court; and this officer, therefore, could perform judicial functions in the Privy Council, without salary, incidental to the other judicial appointment which he held. This was an advantage which could not be obtained by any means of the arrangement proposed in this Bill. As long as a jurisdiction vested in the Privy Council, any Member of the Judicial Committee might cease to be competent to act as a Judge of that tribunal, as he was liable to be deprived of his seat as a Privy Councillor by the act of the Crown. Therefore, they must say whether they would put a Judge at the head of this tribunal, with other judicial duties to perform, or an individual, the exercise of whose functions as a Judge would entirely depend on the will of the Crown. In the latter case, it was clear that the appointment of the Judge was not independent of the Crown, for he could at any time be deprived of the power of discharging his judicial duties. In this state of things, when the returns which he intended to move for were produced, a state of facts would be shown which would give a full statement to the House as to whether this tribunal, as at present constituted, was competent to discharge all the duties which were entrusted to it; and, as there was no accumulation of business, whether there was likely, under any extension of its functions, to be such an increase of business as to call for a reconstitution of the tribunal. For his own part, he did not think that in the principle involved in this part of the subject there was matter which was necessary to refer to a Committee up stairs. He thought that the point involved regarded a matter, respecting which it was the duty of Her Majesty's Government to make up their minds one way or the other, and if they made up their minds, they should pronounce their opinion without going to a Committee. He conceived that the question involved a matter of great importance, which could not be elucidated by inquiry, and, therefore, that it was altogether unnecessary to make it a subject of reference to a select Committee. Those two parts of the Bill which took from and transferred the jurisdiction exercised by that House—excepting that regarding Divorce cases, and respecting which he did not object to inquiry—and also, so far as it proposed to appoint three salaried Judges to sit constantly in the Judicial Committee of the Privy Council, he conceived that Her Majesty's Government ought to make up their minds and not to allow inquiry. If they resorted to a Select Committee they could not acquire any information on these points, and he therefore could not see the least advantage that could be gained by doing so. The only cases in which it was advantageous to resort to a Select Committee was, first, when all the facts upon which they were called upon to legislate had not been fully elicited, and when, therefore, Parliament should proceed to obtain as full a knowledge as possible on the subject; and the other ground was, when the Government had made up their minds in favour of a measure on evidence which was before them, but which might not be sufficient, without further elucidation, to satisfy others. But on a subject with respect to which Her Majesty's Government had formed opinions, and made up their minds, he conceived that it was a dangerous course to resort to, to send a matter to a Committee, with respect to which they raised expectations, and formed hopes which never could be realised, and thus weakened the confidence in established institutions, on the ground that the House and the Government was willing to alter them. He would not give further trouble on this subject, beyond repeating that he did not concur in any part of the propositions that were involved in this Bill, with the exception of that for instituting an inquiry into the propriety of extending the jurisdiction of the Judicial Committee of the Privy Council in cases of Divorce, and also of giving them increased powers for the extension of the duration of Patents.

Lord *Campbell* said, that as subsequent opportunities would arise of discussing at length the various propositions involved in the Bill, he would content himself with making a very few observations. The Bill involved many subjects which he had long considered, and with respect to which he had formed opinions, which, however, he would not trouble the House with on that occasion; but he must at once declare, that he would be the last man, in or out of that House, to part with the functions which properly belonged to them, whether they were judicial or legislative. Whatever property belonged to that House, as the first tribunal of the kingdom, he would advise their Lordships to keep in their own hands. Their Lordships were a Court of Justice, not of original, but of appellate jurisdiction. With regard to Divorce Bills, they did not come before their Lordships properly, either as a branch of the Legislature, or as a Court of Appeal. His noble and learned Friend, the author of the Bill, had stated what it was impossible to contradict, that the dissolution of the marriage contract ought to be a judicial proceeding. It was so in every other country in the world, and he hoped it would be so before long in England, provided no facility were given to Divorce in any case where there was not clear proof of adultery on the part of the wife, and where the husband was not freed from all suspicion of collusion. If, however, the adultery of the wife was clearly proved, and the husband was free from such an imputation as he had referred to, it was the doctrine of Scripture, and it was the dictate of reason, that the marriage ought to be dissolved. And this was practically the law of England. In every case where adultery was proved satisfactorily, and the conduct of the husband was unimpeached, he obtained the remedy of divorce, if he was able to defray the expense of pursuing it. The question, therefore, was, by what means that law should be administered. Should it be by an Act of the Legislature, or by a decree of a judicial tribunal? There was no doubt that our present system of Divorce Bills had brought great scandal upon the administration of the law of this country. Foreigners looked upon it with amazement. He had conversed with many of them on the subject, and had been utterly at a loss to find any argument by which the practice could be at all palliated. It was also a serious inconvenience to that House last Session of Parliament—the business of the House was interrupted for several weeks in examining witnesses at the Bar upon Divorce Bills; and notwithstanding all the care of his noble and learned Friend on the centre of the Woolsack—and he was extremely solicitous on the subject—there was great difficulty in guarding against fraud, and such matters would be much better disposed of before a Judicial tribunal than in that House. He had come more recently from the other Chamber of Legislature than any of their Lordships, and the impression on his mind of the manner in which these Bills were treated there, was still most lively, and he confessed that he was quite ashamed to think of the scenes he had witnessed there. When a Divorce Bill was called, there was either a noise or a titter, and unless there was some piece of evidence, that some old gentleman was desirous of listening to, not the slightest attention was paid to the proceeding—no oath could be administered, and in short, it was a mere burlesque upon judicial proceedings. Suppose there was a foreigner under the gallery on such an occasion, he must be at a loss to understand what was going on; and he was sure that any Member of that House, or any citizen of this country, would be ashamed to explain it to him. Then the expense was so very great, that it was not a remedy for the poor or the middle classes; and he could not help thinking, notwithstanding what had fallen from his noble and learned Friend behind him (Lord Cottenham) for whose opinions he entertained the greatest respect, that before the Judicial Committee, there might be a remedy just as cheap as before the Court of Session in Scotland, where for a sum of 25*l.*, a Divorce *à vinculo matrimonii* might be procured. But he could not at all concur in the mode proposed by his noble and learned Friend—he thought the Judicial Committee of the Privy Council might be made an excellent Tribunal for this purpose. It could have the advantage of the presence of Equity, Consistorial, and Common Law Judges. The case might be gone into, and the witnesses examined more conveniently there, than at the Bar of that House, and he did not think any tribunal could be better constituted for the purpose of taking cognizance of the subject of Divorce. But what his noble and learned Friend proposed by this Bill was, not that there should be a reference at once to the Judicial Committee. There was first to be a Petition to that House. Their Lordships had no proper jurisdiction on the subject—it did not belong to them as a branch of the Legislature, as a Court of Justice, or a Court of Appeal; but still the unhappy husband was condemned first to petition their Lordships: then their Lordships were to address the Crown; then the Crown was to make a reference of the matter to the Judicial Committee; then the Committee was to examine witnesses and ascertain the fact; and what next? Why, the decision of the Committee was to be laid before the two Houses of Parliament, who were to judge whether the Committee had done right or wrong in pronouncing their judgment. Was it again to be argued by Counsel at the Bar of the House? Were they to sit in Committee, and again take the depositions? That would be the consequence of the plan proposed by his noble and learned Friend; but, of course, this might be reformed in Committee. His opinion was, that it should be open to any injured husband at once to apply to the Judicial Committee, and they should examine the case and deliver a judgment which should be final between the parties. With regard to the power of extending Patents, that was a matter which did not properly belong to their Lordships—Patents were originally granted by the Attorney General. His noble and learned Friend on the Woolsack had granted many; it was properly the business of an Officer of the Crown or some judicial tribunal, and to that branch of the Bill no objection, he thought, could be made. But with regard to the general power of carrying all the business of that House to the Judicial Committee, he must certainly oppose it. He felt quite incompetent as a Member of that tribunal to take such functions upon him, and he should be obliged to call on his noble and learned Friend (Lord Brougham), who was ready at all times, at whatever cost and inconvenience it might occasion him, to take his (Lord Campbell's) place. If such a Bill as this were to pass, he certainly should require him to come from his retreat and to take his (Lord Campbell's) place at the Judicial Committee. But he apprehended that this was a clause that could not be introduced into the Bill as it was then framed, and that it was only specific powers which could be invested in that or any such tribunal. Now, he would come to the other point, respecting the constitution of the Court. He thought they might get on very well with the aid of his noble and learned Friend who had himself made out a very good case for him (Lord Campbell). He was rather surprised at finding him pushing his advantage so far in showing that things had gone on excellently well as they were. He (Lord Brougham) said, truly that the business had been done, and he said also that it had been well done, and that there had been great satisfaction. If he could have shown that some great change would take place in the jurisdiction of the tribunal, unless not only Divorce Bills, but Estate, Inclosure Bills, Railway Bills, and other Bills of a public nature would be referred to the Judicial Committee, it might go on very well as it had hitherto done. It had given satisfaction, and he trusted would continue to do so. Now, for nearly three years he had himself, as the Lord President knew, assiduously attended. And he should still be willing to make an effort to be of some small service to his country. But whether there was to be a head or not, he could not conceive that it was necessary for there to be a head of the Court, such as was described in the Bill. He knew nothing of the individual—they might form their conjecture on this subject—but he discovered from the Bill that the new head was to be of high rank in the Court and out of the Court—he was to take precedence of all the Dukes of the land in that House at Coronations, and on every solemn occasion. He certainly must look with great respect on the tribunal of which he happened to be an unworthy member, but he could not conceive that its dignity or efficiency could depend on any individual having such extraordinary and unnecessary distinction. But as these matters would be more fully considered before a Committee, he would not then detain their Lordships longer. He thought, however, it was his duty to state to their Lordships with brevity the general view he took of the Bill. He had no objection to its being read a second time and going into Committee; but unless it was most materially altered he should not give his assent to it.

The Bishop of *Exeter* was sure that he should be forgiven for trespassing upon the time of the House when he conceived the spiritual interests of the country to be concerned; at the same time, he regretted that it should have fallen to his lot to speak upon this subject, when it might have been so much more ably performed by more distinguished Members of the Bench upon which he had the honour of a seat. The first objection which he should venture to make to this Bill, which, upon the whole, he doubted not, was calculated to promote the interests and to forward the justice of the country, was, that in extending the jurisdiction of the Judicial Committee it had not been sufficiently considered whether it might not be wise to diminish its jurisdiction. That Committee was at present the ultimate Court of Appeal on all spiritual cases whatsoever. He felt confident that the practical result of the Act delegating this power to the Judicial Committee was not considered at the time of its passing. The measure as their Lordships were all aware, was intended to supersede the old Courts of Appeal with respect to scriptural causes, which were found to be full of inconvenience. It was agreed to in consequence of the recommendation of a Commission appointed in 1830, who made a special report upon the subject, advising that in future such cases should be transferred to the Privy Council. But what reason did they urge for such a step? Simply the structure of the Privy Council. They said—"There are Lords spiritual and temporal, as well as lawyers of every court, in that Council, consequently that is the best possible place where such appeals should be decided." What followed? Soon after the adoption of that recommendation another measure was adopted transferring the jurisdiction of the Privy Council to the Judicial Committee, and that Judicial Committee was so constituted that it should practically, and, he (the Bishop of Exeter) believed necessarily, consist almost entirely of law Lords. Now, it was very desirable that the Members of the Church should not be mixed up with any deliberations of a judicial character, except such as were measures of a scriptural character, but the result of transferring the jurisdiction of the Privy Council to the Judicial Committee was, in point of fact, to remove from the Church, the ultimate decision of all matters connected even with the very doctrines of the Church. That he (the Bishop of Exeter) was sure could never have been intended, yet so it was: for at this hour, if a suit were brought against any of their Lordships for heresy, the Court of Appeal which would have to decide whether such person was a heretic or not would be this Judicial Committee of the Privy Council. He was quite certain that this was a matter which, at the time, must have been overlooked—he was sure it was a *casus omissus.* Take even the case of a bishop or of a clergyman brought to answer for any misconduct. In such a case one of the Bishops, who was a Member of the Privy Council, might sit on the Judicial Committee. That was a provision, but it did not go very far. The case would be an appeal from the Court of Arches; that would, of course, at once exclude the most Rev. Primate the Archbishop of Canterbury from sitting, in consequence of its being an appeal from his own Court. Then, if the case happened to have been heard in the Consistory Court of the right Rev. Prelate the Bishop of London, and the right Rev. Prelate were to avail himself of the very reasonable power of applying by Letter of Request to the Arches' Court, then both the Bishop of London and the Archbishop of Canterbury would be excluded. The only Member left would be the Archbishop of York, and he, as their Lordships well knew, laboured under the weight of nearly ninety years. He submitted that such was not the Court of Appeal to which cases should be submitted for decision that were of the utmost importance to the interests of the Church of this conntry. He did not think any Committee of the Privy Council could be made an adequate Court of Appeal for deciding upon Church matters. It had been said, that the Judicial Committee as constituted by the measure of 1833 had been found to work beneficially and satisfactorily to the country. But he must be forgiven if he said that there was one important exception—it had not given satisfaction to the

Church of this country. He abstained from going into particulars, but he thought it unjust to the Church that there should not be some Court on which the Church might rely for its entire sufficiency to decide upon all matters that might be brought before them; and it was also unjust to the individuals who were placed in the high situation of the last appellate jurisdiction in this country, that matters should be brought before them on which it was utterly impossible for them to decide. There was a matter of great importance which would shortly come before the Judicial Committee of the Privy Council, on which they would have to pronounce judgment, which excited the greatest interest in the country, and affected a large class of persons—a matter on which, he was sure, the Members of that Committee would feel most strange, and totally foreign from all their study, and from which wisdom should make them recoil—yet, if this Bill before the House were carried into effect, that matter and others like it would be forced upon that Court, notwithstanding that that Bill was denominated a Bill to provide for the better Administration of Justice by Her Majesty's Privy Council, and to settle all that was deficient before. He (the Bishop of Exeter) rejoiced to hear that the Bill was likely to be sent to a Select Committee, because he thought the subject to which he had referred especially demanded the attention of that Committee. To deal frankly with the case, he must say, that he thought to provide an adequate Court of Appeal in scriptural cases could hardly be made a part of the Bill. It ought to be a distinct and separate power. He (the Bishop of Exeter) lamented to hear the noble Lord who had introduced this Bill speak of divorce *à mensa et thoro* as a trifling thing. A divorce *à mensa et thoro* was, in fact, a divorcing of the married parties. The Act of the Legislature, though called so, was not, in fact, an Act of divorce, its real nature being to enable those who were judicially divorced before by the sentence of divorce *à mensa et thoro* to contract matrimony, which, otherwise, by the defective state of the law, they could not do. For that reason he (the Bishop of Exeter) rejoiced that a Measure was to be introduced which would give to people divorced *à mensa et thoro* the power of marrying again without an Act of the Legislature. The question as to the power of releasing parties from the obligation of marriage *à mensa et thoro* was one which he was unwilling to approach, because he could not do so satisfactorily. But if this Bill passed, it would give to the Judicial Committee of the Privy Council the power of awarding a total divorce with the ability of marrying afterwards, which would be giving a power unprecedented in the history of the legislation of this country. In no other case could a cause be decided in the Court in which it was first brought without an ultimate appeal. The Court was objectionable because there was no appeal from it, which there ought to be.

Lord *Brougham* said, the observations of the right Rev. Prelate deserved very great consideration, coming as they did from a Father of the Church. The right Rev. Prelate complained of the sort of persons who now exercised Spiritual Jurisdiction in the Judicial Committee of the Privy Council, and said that they had not given as much satisfaction as was desirable to the Church in general; but the constitution of the Court of Delegates was formerly just as liable to the same objection. That Court was composed of Civilians and of Common Law Judges. In Escott's case—the Lay Baptism case—he had pronounced the judgment of the Court, and one of the Members of the Judicial Committee by whom they were on that occasion assisted was a Consistorial Judge, and they had affirmed the judgment of the Archbishop's Judge—namely, the Dean of the Arches. If, therefore, they had erred they had done so in company with the ecclesiastical authorities singled out to decide such cases, and appointed by the Bishops themselves. The quorum of the Court of Delegates had been composed of Doctors who had no practice, because if they had they were sure to be engaged in the cause; and who got only a guinea a day for their judicial services; there were four Doctors, and three Common Law Judges. As to the point alluded to by his noble and learned Friend as to precedence, it was only meant that they should take precedence in the Court; it was never anticipated that they would take precedence in the Drawing-rooms, about which no one cared a rush, at least no rational man. With respect to the importance of having a better staff of Judges, after all that he had heard, he certainly retained his opinion. His noble and learned Friend (Lord Cottenham) asked, what was the use of having three Judges? and he retorted on him some of the vituperation with which he (Lord Brougham) had assailed his noble and learned Friend's measure, and he seemed very much to enjoy himself in doing so. His noble and learned Friend had found his two Vice-Chancellors too many; he said that two were too many, but one was not sufficient, and so he supposed his noble and learned Friend meant that one and a half, and one and one quarter would just do; and he seemed to rejoice when he thought he had found him (Lord Brougham) falling into the same error as to the three Judges. But his answer was, that they had no right to count on those they had now; they had not got three Judges. There was not one permanent Judge; and if they went into Committee, his noble and learned Friend would find that they had often found extreme difficulty in getting Judges, and had indeed been obliged to reduce the quorum of the Judicial Committee from four to three on that account, in certain cases by a Bill of his (Lord Brougham's) passed last Session. He had heard his noble and learned Friend say a dozen times that he considered voluntary Judges to be totally out of the question for any Court. One ground of opposition to the Bill was, that that House would strip itself of jurisdiction. There was no necessity for the House to do that. So far from taking away the jurisdiction of Parliament, the Bill sought nothing of the kind; it merely allowed the Parliament to call to itself the aid of an ancillary body. He was astonished to hear it stated that in cases of Divorce, this Bill would effect no relief by providing that these cases should be tried before the Judicial Committee, and that there would be no difference in expence between the proposed plan, and a Bill in Parliament. Why, the last Divorce Bill, which had been slightly opposed, cost 940*l.*; a previous one, which was unopposed, had cost 500*l.* He should be able to prove before the Committee that the cost of a Divorce before the Judicial Committee would not necessarily be above 25*l.* The fees of the Judicial Committee might be greatly reduced; and he had no doubt but that a Divorce might be obtained at the same expense before the Judicial Committee as before the Court of Session in Scotland. For a mere Divorce *à mensa et thoro* the only benefit obtained was, that if the party should marry again it was not felony. With a Divorce only to that extent the parties were still married, and might put an end to their separation at any time by consent. The proof that the matrimonial tie was not dissolved was, that in law with a divorce *à mensa et thoro* the widow was dowable of her husband's landed estate, and the husband was entitled to his tenancy by the courtesy of the wife's landed estate after their separation, but this form of Divorce was obliged to be used, because their Lordships required it as a preliminary.

Lord *Campbell* said, the Bishop of London had attended the Judicial Committee on all Ecclesiastical occasions of its sitting, and had concured in its decisions.

The Bishop of *Exeter* said, the Bishop of London only attended in the decision of cases of Church discipline. There were, however, other cases in which questions of Church doctrine were to be decided.

The *Lord Chancellor* would put it to the noble and learned Lord, whether it would not be better to divide his Bill into two parts? The Divorce part of the Bill was one of so much importance, that it might be a consideration whether it ought not to be a separate Bill.

Lord *Brougham:* That may be an instruction to the Committee.

The *Lord Chancellor:* Very well; I have no objection.

Bill read a second time, and referred to a Select Committee, with power to divide it into two parts, if they should so think fit.

House adjourned.

HOUSE OF COMMONS,

Friday, March 8, 1844.

MINUTES.] BILLS. *Private.*—1°· Haltwhistle Inclosure; British Iron Company; York United Gas; Birmingham Corporation; Whitehaven and Maryport Railway; Salford Improvement; Northern and Eastern Railway (Newport Deviations); Newport Dock; Eastern Counties Extension; Mariners' and General Life Assurance Company; Globe Insurance Company; Coventry Waterworks; Coventry Improvement; Westminster and Lambeth Suspension Bridge; New British Iron Company.

2°· Newbury and Great Western Railway; Slamannan Junction Railway; North British Railway; Newbury, etc. Railway; Sheffield, etc. Railway.

PETITIONS PRESENTED. From Chester, against Alteration in Postage. — From Chester, against Poor Law Amendment Bill. — By Mr. S. Crawford, from Galashiels, Darlington, Aberdeen (2), and Bridport, for Withholding the Supplies.

COMMITTEE ON RAILWAYS.] Mr. *Hindley* rose to move,

"That any Member whose constituents are locally interested in any competing lines of railway, may be permitted to sit upon the Committee appointed to decide upon their respective merits, though without being allowed to Vote upon any question arising thereon."

He considered that the Members of the House of Commons, by its late Resolutions, had given up the power of representing their constituents altogether. As long as private business was delegated to the House of Commons, every Member had a right to represent the local interests of his constituents. Personal interest, indeed, stood upon a different footing. Where a Member of the House had a personal interest in a particular line, he ought not to vote in the Committee upon it, because he might at least be suspected of being influenced by his own objects; and the result would be to weaken the effect of the decision. He had himself acted upon this principle when he held a number of shares in the Sheffield and Manchester Railway. On going down to the borough which he had the honour to represent, he found that there was a very considerable feeling in favour of another line. He himself then thought that the public interest would require both lines; and, in order that he might be an unprejudiced and unsuspected judge, he gave directions to his broker to sell his shares, and they were sold at a sacrifice of 1,000*l.* It was a fact that the shares fetched 800*l.* less than they would at the present day. Therefore, as to personal interests, he quite agreed in the propriety of the Resolution; but the local interests of constituents he regarded in a totally different light. To whom were the constituencies to look for the defence of their local interests, if not to the Gentlemen who were sent to represent them in that House? And were the Members of the House of Commons sunk so low in public estimation as to make it necessary to affirm that they had not sufficient sense of justice, or sufficient knowledge of what was due to themselves, to their constituents, and the country, to be enabled to give a fair and honest vote. He believed the fact to be, that many Members had not the moral courage, when there were two parties among their constituents, taking different views, to run the risk of offending one of them by declaring in favour of what they conceived to be most for the public interest. For his own part, he should never shrink from advocating what he believed to be for the public good, without reference to any party whatever. As the rule of the House stood originally, he asked, would any Member have been permitted by his constituents to absent himself from a Committee in which their interests were affected? If a Member said, " Gentlemen, I cannot vote for either of you;—both sides have great claims to attention, but I cannot favour either: I am interested for you;—I understand your case, no man better; but if I vote for either, every one will think I have been biassed, and, therefore I shall leave the matter to be disposed of by others who know nothing at all about it"—his constituents would have told him, that he was sent to that House to represent them, and that if he did not attend to their interests, the sooner he took himself away from the House of Commons the better. If, indeed, the duties of Members of that House were merely of a judicial character, he could understand that argument. If the interest of particular localities were to be decided by the learned Judges and twelve impartial Jurors, after hearing arguments of counsel well and good, but let not the House have any responsibility at all with respect to private business. Let all such business go to the Courts of Law, and then that House would be rid of a great deal of trouble. What was now done openly and publicly, would be liable, hereafter, to be done secretly. At present, if a Member took one side or the other, his whole conduct was before the eyes of his constituents, and if he acted unjustly, the public opinion of his constituents would punish him; but here were five Gentlemen—and who would tell him that some influence might not be used to impress them with a particular view, by arguments which had nothing to do with the justice of the case, by party influence, or other such means? Who was to tell him that this sort of back stair influence might not prevail, and that an individual whose conduct was not before all, might not act in a way which he would not have dared to do when he was open to the judgment of public opinion? He thought the House was departing from a truly English principle by adopting these Resolutions. He liked the principle, that a man who adopted a particular course, should be responsible to public opinion with respect to that course. If his constituents did not approve of it, they had a remedy in their own hands at the next election, but here the Committee acted in private and were not under the check of public supervision. He thought there was in that House a love of property and a love for the defence of persons who had property, an *esprit de corps,* and that, therefore, those who were not represented in that House, the great body of the people, had but little chance of any of their interests being brought before a private Committee. He should not detain the House longer, but he urged them to pause before they went too far with these Resolutions. If Gentlemen would look at this proposition, they would see that it was not to rescind the proposition adopted on Monday evening. He did not go so far as that. He did not ask that Members, whose constituents were locally interested, should sit and vote in the Committee, but what he asked was, that those whose constituents were so interested, should not be deprived of the opportunity of sitting in the Committee, hearing the arguments that might be adduced, asking questions of the witnesses, and then leaving it to the five impartial Gentlemen chosen by the Committee of Selection to decide how far those arguments possessed any real weight. He thought that this was due to the constituency—he trusted it would be allowed, and without further detaining the House, he moved the Resolution which he had put into the Speaker's hand.

Mr. *Gladstone* said, that having on the part of the Railway Committee moved a series of Resolutions on the subject to which this matter related, he must beg to say a very few words with respect to the Motion before the House. The hon. Gentleman had taken a good deal of credit to himself for not proposing on Friday a vote which should rescind the Resolutions agreed to on the previous Monday evening, notwithstanding that those Resolutions had been passed under every advantage which any discussion could possess, except, singly, the presence of the hon. Gentleman. With regard to the present Resolution he must observe that in the first place it was entirely superfluous, and in the second place would be extremely inconvenient. His belief was, that the hon. Gentleman was entirely mistaken in the impression that there was anything in the Resolutions which would deprive constituencies of the benefit of the presence and services of their representatives. He believed there was nothing in them to prevent any Member whose constituents were locally interested from using the privilege which, as a Member of that House, he possessed, and appearing in the Committee, and making any statement he might choose—not, indeed, being recognised as a Member of the Committee, and in fact appearing in no other capacity than that of a Member of Parliament; but the powers which he possessed as a Member of Parliament would be amply sufficient for any useful purpose, and would enable him to represent any claim on the part of his constituents. As such was the case, he thought great inconvenience would result from investing Members of that House, who were not Members of the Committee, with a recognised authority to appear as advocates or nominees sitting in the Committee, and possessing every authority except that of voting, but taking part in the discussions equally with the Members of the Committee. He thought to adopt such an arrangement, while it was totally unnecessary as aiming at supplying a defect which did not exist, would be exceedingly mischievous, because it would impair the authority which belonged to the Committee, and would constitute a number of Members of the Committee, who would be swayed by different interests, and must render the tribunal less competent to conduct the proceedings in such a manner as would be conducive to the interests of the public; and, therefore, as well as because it was utterly unnecessary, he trusted the House would have no hesitation in negativing the motion.

Mr. *W. Patten* was extremely glad to hear what had fallen from his right hon. Friend. There had been a great difference in Committee as to whether Members were to be allowed to attend and represent the interests of their constituents. He thought that if it had been known, at the time when the measure was introduced, that Members would have the power of stating the case of their constituents, who were not able to appear by Counsel, many who supported the measure would have voted against it on that express ground.

Mr. *Labouchere* agreed in substance with what had been stated by the President of the Board of Trade. He was aware that any Member had the right to be present at a Committee, but he was not aware that he had a right to address the Committee. He spoke under correction, when he said so, but his impression was, that a Member had no right to address a Committee unless he was a Member of it. Whether it were so or not, he would vote against his hon. Friend the Member for Ashton, who had brought forward his Motion against a Resolution carried upon the other side by a large majority. The effect of the Motion would only be to protract the proceedings and increase the difficulties of those coming before the Committee. On the point which he had raised he trusted that the Speaker would state what was the law and practice of Parliament.

Mr. *Gladstone* said, he had not meant to state that any Member had an absolute right to address the Committee; all he had meant to say was, that, practically, no objection was felt to the making of a statement.

The *Speaker* wished to observe, in reply to the question of the right hon. Gentleman, that no Member who was not a Member of the Committee had any right to interfere with the proceedings. He had no right to examine witnesses, though he might be present in the room.

Dr. *Bowring* had received several communications, stating that out of doors great satisfaction was felt at the adoption of the Resolutions, and a desire was expressed by many that the same principle should be established, not only with respect to Railroads but on every Private Bill.

Mr. *H. Hinde* thought that, as the House had decided by the former Resolutions not to admit the representation of Local Interests, they would not be disposed to adopt the very imperfect remedy proposed by the hon. Gentleman opposite. He wished to put a question to the right hon. Gentleman the President of the Board of Trade on this subject. He understood it had been stated that it was not the intention of the Committee to whom it had been referred to decide what were competing lines, to report the evidence taken by them to the House. He wished to know whether there would be any objection to communicate that evidenee?

Mr. *Hindley* observed that if any measure affecting the interests of his constituents were referred to a Select Committee, he should apply to that Committee, as matter of courtesy, to receive his suggestions.

Mr. *Hawes* thought it ought to be clearly understood what was the law and practice on this point. If he were a Member of the Committee, and any Member of the House who was not on the Committee endeavoured to influence the proceedings, he should exercise what he considered to be his undoubted privilege, and request the Gentleman to abstain.

The *Speaker* begged to repeat that no Member who was not a Member of the Committee had any right whatever to attend for the purpose of addressing the Committee, or of putting questions to the witnesses, or interfering in any way whatever in the proceedings.

Motion withdrawn.

GWALIOR—PROCLAMATION OF LORD ELLENBOROUGH.] Mr. *Macaulay* wished to put that day again the question he had put the day preceding. The question itself, he perceived, had been misunderstood. He had been represented as saying that the late operations in Gwalior were recited in the Proclamation of the Governor General to have taken place in consequence of the Treaty of 1805, whilst what he had said was, that they were there declared to have taken place in consequence of a Treaty which he affirmed was notoriously annulled in 1805. He wished now to know if the right hon. Baronet was prepared to lay on the Table of the House a copy of the Proclamation?

Sir *R. Peel* replied, that the Indian mail had arrived in the course of that day. He presumed, that the Proclamation as published was perfectly correct, and he was sure the right hon. Gentleman would not ask him for a more particular answer at that moment. The despatch conveyed ninety-seven inclosures, and there was not as yet time to examine them particularly. He could not doubt, however, that the Proclamation was amongst them, and there could be no objection to lay it on the Table of the House. The right hon. Gentleman, on his own authority, had affirmed that the Treaty of 1804 was notoriously annulled in 1805. There were three treaties between the Government of India and Scinde—a Treaty in 1803, in 1804, and in 1805. The Treaty of 1803 was a general Treaty of Peace. The Treaty of 1804 was a Treaty of Alliance, offensive and defensive, and stipulating that the Maharajah should have a right to call upon the Government of India for assistance in case of turbulence in his territory. That was the effect of the Treaty of 1804; and there was another Treaty which removed some doubts that had arisen with respect to the Treaty of 1803, but had no reference to the Treaty of 1804. The question was, whether the Treaty of 1804 had been superseded: it could not, he thought, be said to have been notoriously annulled by the subsequent Treaty. These, he believed, were the facts with respect to these treaties.

Mr. *Macaulay* did not mean now to enter into the discussion. The right hon. Gentleman, he understood, would lay copies of the Treaties before the House; and he, therefore, should not at present give any decided opinion on the matter.

CONSUMPTION OF SUGAR.] Mr. *Milner Gibson* took that opportunity of asking the right hon. Gentleman at the head of the Government, a question in reference to a statement that had fallen from him in the debate on the preceding night, with respect to the Sugar monopoly. He understood the right hon. Gentleman to affirm, that the consumption of Sugar during the year 1844 had been greater than at any former period. [*Cries of* "*No, No.*"] He understood the right hon. Gentleman to declare, that the consumption of Sugar in the year, ending the 1st of January, 1844, was greater than at any former period with one exception. Now, having taken some trouble to look at Parliamentary Papers, and to make calculations, upon proper authority, with reference to the amount of Sugar that had been taken into consumption in past years, he found, by his calculations, that in the years 1830, 1831, 1835, and 1837, the quantity of Sugar consumed was greater than in the year ending the 1st of January 1844. He was anxious, therefore, to ask the right hon. Gentleman this, not whether the consumption of Sugar, for the year ending the 1st of January, 1844, was actually greater than in previous years, but were they to take as the basis of future argument, that the consumption of Sugar during the year ending the 1st of January, 1844, had been greater than in any former year, with one single exception?

Sir *Robert Peel* replied, that if he had made a misstatement there were surely the means of correcting it. He had spoken at the time from documents that he held in his hand. These were returns for the last ten or twelve years, he thought for the last ten years. He spoke from Papers, and he stated that the consumption of Sugar in the last year was greater than in any former year, with one exception, the year 1841: in the year 1841, 4,065,724 cwts., and last year, 4,045,105 cwts. If he had made any misstatement he would willingly acquiesce in its correction.

TREATY WITH THE BRAZILS.] Mr. *Ewart* wished to ask the First Lord of the Treasury a question with respect to the Treaty with the Brazils. He understood, from the right hon. Gentleman, that the Brazilian government had proposed, that on our manufactures there should be a duty of from 40 to 60 per cent. on the value. Now, he begged to ask the right hon. Baronet whether the duty which the Brazilian government were willing to submit to on Brazilian sugar was not 150 per cent. on the value? He only asked the right hon. Baronet to give them what was the reciprocal duty on the value of the manufactures imported into Brazil, and the duty on the value of Brazilian produce imported into this country.

Sir *R. Peel* said, with respect to the calculation whether a certain amount of duty would be 150 per cent. on the value of the article, he thought the hon. Member was quite competent to make that calculation himself. The proposition made by the Brazilian government was, that its sugar should be admitted into this country at the same rate of duty as colonial Sugar. There was subsequently a relaxation of that condition; and the Brazilian government offered, that whatever might be the amount of duty on colonial Sugar, the duty on Brazilian Sugar should not exceed that by more than one-tenth—that was to say, if 10*s.* was the duty on colonial produce, the duty on Brazilian produce should not exceed 11*s.* With respect to manufactured produce, the proposal of the Brazilian government was, that the duty on cotton wool should be 40 per cent. *ad valorem;* that the duty on woollen goods should be 30 per cent. *ad valorem;* on other articles there was to be no restriction.

Mr. *Warburton* said, the question was simply an arithmetical one; it was whether 27*s.* 6*d.*—that was 25*s.*, plus 2*s.* 6*d.*—was not *ad valorem* a duty at the rate of 158 per cent. His hon. Friend wished to draw a contrast between the rate of duty the Brazilians wished to put on our produce, and the rate of duty they were prepared to submit to from us, that was 40 or 50 per cent. on their side, on our goods, against 158 per cent. on our side, on their Sugar.

EMPLOYMENT OF SHIPS TO COLLECT RATES (IRELAND).] Captain *Pechell* rose to explain a statement which he had made on Friday last on the subject of the employment of the Navy to enforce the payment of Poor-rates in Ireland. The right hon. Baronet opposite, one of the Lords of the Admiralty, had stated that he was not aware of the existence of such a practice; and he had quoted from an Irish county paper a statement that the Earl of Lucan had, at a meeting of the Castlebar Union, declared his determination rather to encourage resistance to the poor-rate collectors, than to submit to the imposition of a new rate, while so large a portion of the first rate remained uncollected. In reply to the Earl of Lucan, Captain Blake was reported to have said that naval forces were coming round to the coast; and the Earl of Lucan was reported to have replied that he had no doubt but that the Government would send forces to enforce the collection of the rates. He had since received a communication from the Earl of Lucan denying that he had ever made such a statement, and he thought it his duty to state that fact to the House. At the same time, he begged to state that he had only quoted the statement as he had found it in the *Mayo Telegraph*, published in the noble Earl's own county.

REDUCTION OF THE THREE-AND-A-HALF PER CENT. STOCKS.] House in a Committee on the Three-and-a-Half per Cent. Annuities Acts.

The *Chancellor of the Exchequer*: The subject, Sir, which it is my duty to submit to the House is one which will be acknowledged by every one to be of very considerable importance. It involves the dealing with a large amount of the public debt. It is calculated to produce a great annual saving of the charge which the public incur on account of that debt; and if the House should be pleased to agree to the Measure which I shall submit to it, that Measure will tend, in my opinion, to raise the character and the power of this country by evincing the fact of her great resources, combined with a strict application of honour in the discharge of her national engagements. If I were for the first time calling upon the House to deal with a subject of this importance, I might think it necessary to enlarge upon the motives which justify me in making such a proposal as that which I am about to submit to the House. But I am not the first financial Minister of this country who has had to perform the pleasing task of recommending a similar arrangement to the House, and the principle upon which this arrangement proceeds is one so universally acknowledged by Statesmen of the greatest financial ability, and by men of every shade of political opinion—it has been so frequently recommended by Committees of this House, and so frequently acknowledged and confirmed by Parliament, that I feel myself relieved from the necessity which, upon such an occasion, might otherwise be imposed upon me of showing to the House the correctness of the principle upon which I ask it to proceed. My task is of a different nature. The propriety of thus affording relief to the public being acknowledged, the duty that devolves upon me is to satisfy the House that the time has arrived, and that the circumstances are favourable for accomplishing a reduction of the interest on the National Debt, which will produce a great public annual saving. It is in the discharge of that duty, then, that I now present myself to the House, and I beg their attention for a short period while I state to them the grounds upon which I conceive it to be my duty to propose, and upon which I trust the House will think it their duty to concur in, the Measure which I shall submit to them. The proceeding I am about to recommend to the House, is to deal with a very large amount of debt—an amount of debt absolutely larger than any with which Parliament has ever been called upon to deal. It is a sum amounting to little less than 250,000,000*l.* of the National Debt. If it be considered relatively in its proportion to the whole amount of the debt, I cannot say that in that respect the amount is unprecedented, because when I look back to the first occasion on which a reduction of the annual interest was proposed to the House of Commons, by Mr. Pelham in the year 1749, I find that that Minister had to deal with a sum inferior in amount to the present, but with a sum which, compared with the existing debt of the country at the time, amounted to more than one-third of the whole amount of the then debt of the country. But, even at that early period, that able Minister, relying upon the character and credit of the country, and upon the disposition of all its inhabitants to contribute to its true welfare, carried his arrangement into effect, without any difficulty, and with universal applause. I have alluded to the magnitude of the present operation, because I think that upon an occasion of this sort it is fitting that the House should have the whole case fully before them, and that in considering the circumstances under which the arrangement is to be made, they should be fully aware of the interests which are at stake, and which must form, in the eyes of every reflecting person, a main element in the consideration of the subject. I say, Sir, that the time has arrived in which this operation can be effected with safety and security to the public, and I think I may add, with every reasonable chance of success. In the first place I may, in proof of the reasonableness of that belief, allude to the general opinion of the country for some time past, that it is now the duty of the Government to undertake some operation of this kind. No man can have paid any attention to the organs of public opinion without seeing, in the midst of very varying views as to the course that ought to be pursued, one uniform expression of opinion that the time was not distant at which the interest on the debt would be susceptible of reduction. And that opinion thus generally expressed is confirmed by an attentive consideration of the present state of the money market of this country. I believe that there never was a period in the history of this country at which the amount of capital seeking employment was greater than it is at the present moment. That abundance of capital has resulted from various causes. It has been in a great degree the result of the large amount of capital which the industry of individuals in this country has in a series of years accumulated, and which has created an amount of wealth greater than prevails in any other country in the world. It is also owing, in a great degree, to that general discredit of foreign securities, and that uncertainty which has attended the payment of interest upon those securities, which has made British capitalists unwilling to invest their money in that way. It has been increased also by that confidence in the firmness of our securities, which has brought to this country not only the capital of her own children, produced on her own soil, but which has drawn to this great city the capital of other nations, seeking for that capital a safe investment. The evidence, indeed, of that abundance of capital is to be found in the prices which our securities bring at this moment, and in the interest which those securities afford to those who have invested their money in them. At the present moment Consols bear an interest of a little more than 3*l.* 1*s.* per cent., and Exchequer Bills produce the owner an interest scarcely exceeding 2*l.* 4*s.* per cent. And although if we look to private securities it must be admitted that the rate of interest to be derived from them is greater, as it naturally must be, than that derived from the public securities, yet having to deal with public securities, we are justified in referring rather to the value of those securities in the market than to the value of loans made by private individuals. But notwithstanding this favourable state of the money market at the present moment, it may, perhaps be said, that there are circumstances which should lead us to think that this abundance of money, and this facility of acquiring loans, are likely to be of a temporary character. But, Sir, when I look around me, and see the good understanding which prevails between this country and all Foreign Powers—when I see the continued influx into this country day by day of capital from other countries, when I observe the revival of trade, of industry and of commerce in all parts of the world, when I see that the disturbing causes of war and tumult which had existed in distant countries are now effectually removed—and when above all, I recollect the energy and the industry of my countrymen in improving the opportunities which this altered state of circumstances affords—I cannot anticipate any reduction in the amount of capital to be employed at home, which should forbid the attempt, which I call upon the House to make, of relieving ourselves from a great annual charge. Sir, there is another essential element in the consideration of the period at which it may be proper to make changes like the present, and that is the state of the Revenue and the Expenditure of the country. I feel, Sir, what I am sure every Member who has turned his attention to this subject must feel, that a state which has not means adequate to defray its current expenditure by the resources it raises within the year, is not in a condition satisfactorily to deal with the debt which it may have to discharge. Its powers of dealing with any such subject are necessarily curtailed by the necessity of providing for the daily or the yearly service; and it must be compelled to forego advantages which, under a different state of things, it might be right and expedient that it should claim. I am happy to say, Sir,—and in saying it I am aware that I pay the highest tribute to the energy and the vigour of the House of Commons which I am now addressing—I am happy to say that by their exertions in the year 1842, and the determination which they evinced to place the Revenue of the country on a footing adequate to meet every exigency of the public service, they have placed themselves in a situation in which they may congratulate themselves that the Revenue of the country does somewhat more than equal its annual Expenditure. And they have thereby reaped the advantages which a firm adherence to the principle upon which they have acted is sure to give; that is, the effecting not a temporary reduction of the annual expenditure but a permanent reduction of that charge which bears most heavily upon the country. Sir, I have said that the income of the present year will, so far as I am at present enabled to calculate, more than suffice to meet the charges of the year. So far as we have had experience of the two last quarters this has been shown by documents already before the House; and the House will observe, moreover, in those documents this additional circumstance of congratulation, that not only have we before us the prospect of meeting every current expense but it will be found on a reference to that Paper I have a short time since had the honour to lay on the Table of the House, that whereas at the commencement of the year the balance in the Exchequer was about 1,400,000*l*., that balance was raised at the end of the last quarter to 4,700,000*l*. And every one must be conscious what great facilities for any important financial operation must be derived from that improvement in our situation, which, although far from making the Exchequer altogether independent of advances from other quarters, has, nevertheless, a direct operation on the amount of those advances and by diminishing interest on them gives greater energy and power to those to whom the Administration of the Financial Affairs of the country is confided. I am happy to be also enabled to state to the House, that speaking from the information which I now possess, there are no Deficiency Bills of the Bank unsatisfied. We are at this period of the quarter free from the incumbrance of those advances which have on former occasions been made by the Bank of England for the purpose of enabling the Government to meet the demands of the public service. I can state further to the House, that since the 5th of April last it has not been necessary on any one occasion to apply to the Bank for advances in anticipation of the Supplies voted by Parliament—a proceeding authorised by a Resolution of the Committee of Ways and Means, and which has under less favourable circumstances been essential to the carrying on of the business of the country. So far, therefore, as these floating incumbrances are concerned, which, however useful and advantageous in themselves, cripple the efforts of a Government in undertaking arrangements like the present, I can assure the House that from these incumbrances we are at the present moment free. I would also point the attention of the House to this circumstance, that the amount of the Unfunded Debt is one which, considering the great resources of this country, is of a very limited description—less, indeed, than on many antecedent occasions. After deducting the Exchequer Bills which are to be defrayed from the money to be derived from the Chinese contributions, the amount of the Exchequer Bills in circulation is between 18,000,000*l*. and 19,000,000*l*. only; they bear an interest, as I said before, not exceeding 2*l*. 4*s*. per cent.; and they are on this day at a premium in the market of 3*l*. 13*s*. per cent. Looking, therefore, at the whole state of our financial position—considering the wealth, the growing wealth, of this country, and its consequent accumulation of capital—considering that there is every prospect, humanly speaking, of a continuance of friendly relations between this country and Foreign Powers—considering that the Revenue has recovered from that temporary difficulty under which it had so long laboured—considering that we are free from those incumbrances of the unfunded or floating debt, which on former occasions had embarrassed the country, I think I have made out a case to the House which shows that the time has arrived at which it is the duty of those who have charge of the financial affairs of the country to make an attempt to reduce the interest upon the National Debt; and that moreover this is a time at which every reasonable man will admit that an attempt of the kind may be made with the greatest prospect of success. Sir, the debt with which we have to deal on this occasion amounts, as I before stated, to nearly 250,000,000*l.*, and consists of four several kinds of stock. In the first place the stock of Three-and-a-Half per Cent. originally created in 1818, was the foundation of the stock of this description amounting to 10,000,000. The next head of stock is the Reduced Three-and-a-Half per Cents. being the stock first established in the year 1760, and originally a Four per cent. stock, subsequently increased at different periods by several other loans and the funding of Exchequer Bills, but reduced in the year 1824, when the Earl of Ripon was Chancellor of the Exchequer, to Three-and-a-Half per Cent.; that debt amounts to 67,500,000*l.* The next stock is the New Three-and-a-Half per Cents. being the stock originally funded in the year 1784 at Five per cent., but which has, from the gradual progress of the growth of capital in this country, and the confidence entertained in its resources, undergone two several reductions; one in the year 1822, when Mr. Vansittart was Chancellor of the Exchequer, and the other in 1830, when I had the honour to hold the office I now fill, when it was reduced to Three-and-a-Half at which it has ever since remained. This stock amounts to 157,000,000*l.* The last stock is the one called the Old Three-and-a-Half per Cent. Stock, originally an Irish Stock, created in 1787, under various Acts of the Irish Parliament, from time to time augmented by additional sums that were added, making it amount to 14,600,000*l.* The amount of all these Stocks is 249,600,000*l.*, or, in round numbers, nearly 250,000,000*l.*, as I at first stated. It might certainly have been legally correct to have dealt separately with these several branches of Three-and-a-Half per Cent. Stock; but I conceive that principle, in itself legally correct, would have been in itself essentially unjust. I did not think it becoming in a great country like this to take advantage of one or two particular branches of Stock of smaller amount, and call on the proprietors who had invested their money in those funds to submit to a reduction which, from the smallness of the Stock, might more easily have been effected than on the whole. I, therefore, felt it my duty to bring a measure before the House, recommending, that the same rule should be applied to the whole, and that the reduction of interest should be made at once on all. With respect to these Stocks which I have enumerated, there is some difference in the circumstances in which they stand. With respect to three of them, they are absolutely at the disposal of Parliament; there is no guarantee existing to prevent Parliament from paying them off, or from offering a reduction of interest; no conditions which interfere with dealing with them in any way most expedient for the public. But there is one head of this Stock—namely, the Three-and-a-Half per Cents. of 1818, which stands in a somewhat different situation. When that Stock was created, the condition on which the holders of it advanced their money to the public was that they should have three benefits given them—first, a guarantee of interest up to April, 1829, a guarantee which, having been fulfilled, does not enter now into the consideration; another, that they should have six months' notice before any reduction or redemption of Stock; thirdly, that they should not be paid off in sums of less than 500,000*l.* at a time. In any arrangement, therefore, which I may submit to the House on this subject I am sure I shall carry the House along with me in adhering, to the letter, to the engagement then given, and in dealing with this stock in some way so as to produce a deduction in the annual interest, yet, in effecting that diminution, observing strictly, and to the letter, every existing engagement. Sir, if I look to the precedents for conducting operations of this description, I shall find at different times various modes of proceeding adopted. Advantages have been given to holders of a higher stock to induce them to accept a certain amount in a lower stock in many different forms. Sometimes these advantages were immediate, sometimes deferred; sometimes they were given in the shape of a pecuniary bonus, augmenting the capital of the debt; sometimes in augmenting the interest for a limited period; or sometimes — very frequently — nay, I may almost say the general advantage given has been by a guarantee against a further reduction for a certain period after the reduction has taken place. Many plans, as the House, no doubt, is well aware, have been put forward in the organs which inform the public as to the best mode of effecting the present reduction; but I think the House will agree with me in thinking that they have only three courses open to them of dealing with stock of this description with a view to reduction. The first would be to give to every holder of 100*l.* in the Three-and-a-half per Cent. Stock an equivalent amount of Stock in the Three per Cents., adding thereby to the capital of the Stock created. Another plan very much entertained by the public, and on which much has been said in favour, is to create a Two-and-a-Half per Cent. Stock, and give the holder of every 100*l.* in the Three-and-a-Half per Cents. such an amount of the Two-and-Half Stock as shall produce an interest of 3*l.* per cent. per annum. The third plan agitated was to reduce them to a Three per cent. Stock through the medium of a Three-and-a-Quarter per cent. Stock, the object of all being to reduce the interest of Three-and-a-Half per cent. to Three per cent., the advantage in point of interest to the public being intended to be the same, but the mode by which it is to be effected being different according to the different Stock in which the change is to be made. It is impossible to deny that in each of these plans some advantages are to be found, and I doubt not that there will be found advocates of all these plans among those who will discuss the proposition which I am about to make. I think that before I state the plan which I wish the House to adopt, it would be right I should lay down the principles on which in reviewing these several plans, my decision had been guided. I think it my duty, as agent for the public debtor, to endeavour to secure to the public the greatest possible advantage which can be secured consistently with that due regard for the creditor which fairness and a sense of justice require. My first duty is undoubtedly to the public, whose servant I am; but I feel it is perfectly possible to reconcile that duty with the regard due to the interests of the individuals who have lent their money to the public. Another principle on which I am determined to act is this, that I do not think it would be just to purchase great present advantages to the country at the expense of burthens to be sustained by those who come after. I think with respect to debts incurred in cases of war, it is quite legitimate that posterity should bear their share of those burthens by which the Empire has been extended, or the liberties of the country, which they are hereafter to enjoy, preserved; but to incur additional debt in times of peace, and thus burthen those who are to come after us, with a view of obtaining a greater immediate relief for ourselves, is a course which I do say I myself reprobate, and I am sure, when I mention it, that I shall meet the general concurrence of those who hear me. Such being the principles on which I propose to act, and in which, I trust, the House will concur, I have to apply them to the plans which I have mentioned. It must be obvious to the House that if the Three-and-a-Half per Cents. are to be reduced to Three per cent., by giving an amount of Consols, it would be essentially necessary in that operation, as was done in 1822, to give a certain bonus in the Three per Cents, for the purpose of ensuring the conversion. Considering the present price of the funds and the necessity of endeavouring to secure the conversion, the country would have been obliged thereby to create an additional capital debt of from 10,000,000*l.* to 12,000,000*l.*, the immediate result of which, to the public, would have been a saving of between 800,000*l.* and 900,000*l.* a-year. With respect to the second plan, to create a Two-and-a-Half per Cent. Stock, and give an equivalent in that so as to make it produce Three per cent. per annum, the augmentation of the capital of the debt must have been increased by such a plan not by 10,000,000*l.* but by 50,000,000*l.*, and although the saving by that arrangement to the public would have been 1,200,000*l.* a year, yet on the principle which I have laid down, I do not think that saving would justify or compensate for an addition to the mass of our debt by a capital of 50,000,000*l.* to be paid hereafter; for, however, at the present moment, it may, in the opinion of some gentlemen, be a matter of utter indifference what may be the amount of a debt which already amounts 700,000,000*l.*, and with respect to which persons may entertain very little prospect of ever paying it off, yet when we come to consider that a great nation like this may hereafter be engaged in wars and beset with difficulties, and under a necessity which might oblige it to recur to the money market of the country for the means of supporting those wars without ruin to the people, and to secure the preservation of the State, if we then weigh what would be the effect of 50,000,000*l*. or 60,000,000*l*. additional debt at such a moment, whatever may be their desire to effect an actual immediate saving of expense to the public, we shall see that to march on in such a course would be fatal to the permanent interest of the country. I, therefore, think it my duty altogether to discard these plans for procuring a large annual saving to the public by increasing the capital of the debt. The other plan then remains to be considered, which is to reduce the Three-and-a-Half per Cents. to Three per Cents., through the medium of a Three-and-a-quarter per cent. Stock. The result of that arrangement in the first instance, will, undoubtedly, be a diminished annual saving to the public; but against that is to be set the consideration that no increase of capital debt will be created, with this additional advantge, that there will be a future further reduction of the debt, which will secure, in due time, an increased advantage in point of annual revenue, an increased advantage so much the more valuable, because although it may not be brought to apply so immediately to the resources of the country, yet the country will receive the full value of the reduction, without any countervailing disadvantage. The plan which I shall propose to the House is, that every holder of Three-and-a-half per cent. Stock, shall receive a like amount of Three-and-a-quarter per cent. Stock, on which interest at the rate of Three-and-a-quarter per cent. per annum shall be paid until the 10th of October 1854, giving ten years during which Three-and-a-quarter will be payable on the Stock in question. I further propose, from and after that date, that the interest to be paid shall be at the rate of Three per cent. only, and that this Stock so being at Three per cent. shall be guaranteed against any further reduction for twenty years from and after that period, and the Stock, therefore, will remain at Three-and-a-quarter per cent. until October 1854, and from that date until the year 1874 at Three per cent. per annum, whatever may be the improvement in the market or whatever reductions may be applied to other portions of the National Debt. [*Interruption, occasioned by many Members leaving the House.*] I can hardly expect further attention at the hands of the House. The arrangements will be made in the mode in which similar arrangements have been made before, by allowing all persons, for a limited time, to express their dissent from the terms offered. With respect to that branch of Stock to which I have before alluded—namely, that of 1818, the proceedings will be different. I shall call on the House to resolve that that Stock shall be paid off at the date at which it is now legally liable to be paid off, unless the proprietors of the stock shall consent to accept the terms offered. The periods fixed will be those which have been fixed in analagous cases of reduction. In the instance of the three greater Stocks, the time allowed for dissent will be to the 23rd of March for England; for Europe to the 22nd of June: and out of Europe, to the the 1st of February, 1845. Under these arrangements, if I should succeed in carrying them into effect, the immediate saving to the public, beginning the 10th of next October, will be a sum of 625,000*l*. a-year; and in the year 1854, when the other reduction comes into operation, the public will farther have the benefit of a saving of 625,000*l*. a-year more, making a total saving of 1,250,000*l*. a-year, without any disturbance of the public interests or any augmentation of capital, and without resorting to any of those expedients which ought not, and which would not be justified by the situation of the country, and moreover, without throwing the burthen on those who may come hereafter. I trust I have clearly explained to the House, the principles on which I intend to act. There is another important point connected with these arrangements which I think it necessary to state to the House, It is well known to those who have paid any attention to the finances of the country, that hitherto there has been considerable inconvenience experienced, an inconvenience affecting both the currency and credit of the country, from the great inequality of the payment of the interest of the debt which takes place at the different quarters of the year. At the present moment the amount of debt on which interest is paid in January and July amounts to nearly 534,000,000*l*., while the amount of the debt on which interest is paid in April and October is only 215,000,000*l.*; and this inequality necessarily produces great fluctuations in the issues of notes as the means of effecting the payments. It is an inconvenience to the public interest and affects all the monetary transactions of the country. I have, therefore, thought it my duty in making the arrangements with respect to the general interest of this debt, to take the opportunity of equalising the payment so as to make them of nearly the same amount at the different quarters of the year, and I propose, for this reason, that the new Stock, part of which is now paid in January and July, and part in April and October, should, on and after this arrangement, be paid only in April and October, the parties whose dividends become due in July receiving a quarter's dividend in October; so that the whole debt, under the new arrangement, may start on the 10th of October. The consequence of the arrangement will be, that in the January and July quarters in future, the amount of the debt on which the interest is paid will be 373,000,000*l.*, and in April and October 376,000,000*l.*, making as equal a division as, under the circumstances, can be accomplished, and thereby tending I believe sincerely, most materially to benefit the general interests of the country by equalising throughout the year the different payments and receipts. Sir, I know not that it is necessary for me to make any further explanation to the House of the objects which the resolutions which I shall put into your hands are calculated to carry into effect. I, therefore, in conclusion, can only say, that if it shall be my good fortune to carry through with success this measure of relief to the public from a great present burthen and from a future burthen equally onerous at the expiration of ten years, it will be to myself the most gratifying circumstance of my life that I have been enabled on two several occasions, in the year 1830 and in the present year—to recommend to Parliament measures with respect to reductions of the national debt, which meeting their approbation, and approved of by them, will, I believe, meet with the general approbation of the country. However I may feel a personal gratification with regard to this question, it is still more satisfactory to believe that this House will be the instrument for procuring for the country the great advantage of that reduction of the annual charge which is the contemplated result of the arrangements now before the House. But, great as this gratification will be, there is one still higher, which I feel, both as a Minister of the Crown and as an Englishman, and it is this—it will give an irrefragable proof of the extent of the resources of this country, and furnish to other nations an example of the benefits which result from a strict adherence to national faith, and the maintenance of the public credit, with the full knowledge that such an adherence will never fail to reap its reward. We in this country have had to struggle with great difficulties. We have been engaged in arduous contests. There have been moments when the minds of the bravest among us have quailed, and given way to little short of despondency, reflecting on the difficulty of upholding the interests of the country, agitated by the pressure of taxation on those around us. But in times like these, we may well thank God that it never entered into the breast of Parliament to abandon the sacred principle of national faith. If we bore our burthens—heavy and sore as they were—it was under the confidence that honesty is the best policy. And now at a returning period of peace and tranquillity, we feel and we give to the world an example from which they may learn, that if in times of difficulty and danger they will look upon the maintenance of the public credit to be, as it is, the power and the strength of a country, the time may come when with universal approbation they may be enabled to afford real relief to their subjects, and to stand high among the nations of the earth. The hon. Gentleman concluded by moving the following resolutions:

"1. *Resolved*, That all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt, redeemable by law, which now carries an interest after the rate of 3*l.* 10*s.* per centum per annum, and known in Ireland by the several names of 3*l.* 10*s.* per Centum Old Stock and Government Debentures, Irish 3*l.* 10*s.* per Centum Reduced Annuities, and New 3*l.* 10*s.* per Centum Annuities and Government Debentures, and known in Great Britain by the several names of 3*l.* 10*s.* per Centum Reduced Annuities, and New 3*l.* 10*s.* per Centum Annuities, the dividends of which are paid either at the Bank of England or at the Bank of Ireland respectively, and who shall not signify his, her, or their dissent in the manner hereinafter mentioned, shall for every 100*l.* of such 3*l.* 10*s.* per Centum Annuities, or Government Debentures, receive for every 100*l.* of such 3*l.* 10*s.* per Centum Annuities or Government Debentures, 100*l.*, in a new Stock, to be called '3*l.* 5*s.* per Centum Annuities,' which said Annuities shall continue to be paid at the rate of 3*l.* 5*s.* per centum per annum until the 10th day of October 1854; and from and after that date the said Annuities shall carry interest at the rate of 3*l.* per centum per annum, which said last-mentioned Annuities shall not be subject to reduction until from and after the 10th day of October 1874; and the dividends or interest of the said '3*l.* 5*s.* per Centum Annuities,' and 'New 3*l.* per Centum Annuities,' shall be paid and payable at the Bank of England, or at the Bank of Ireland, on the 5th day of April and the 10th day of October in each and every year; the first half yearly dividend on the said '3*l.* 5*s.* per Centum Annuities' shall be payable on the 5th day of April 1845; and that the said '3*l.* 5*s.* per Centum Annuities,' and the 'New 3*l.* per Centum Annuities,' respectively, shall be free from all taxes, charges, and impositions, in the like manner as the said 3*l.* 10*s.* per Centum Annuities.

"2. *Resolved,* That the Interest and Dividends payable in respect of the said '3*l.* 5*s.* per Centum Annuities,' and 'New 3*l.* per Centum Annuities,' shall be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

"3. *Resolved,* That all and every person and persons, bodies politic or corporate, who shall not, within the period commencing on Monday the 11th day of March 1844, and ending on Saturday the 23rd day of March 1844, both days inclusive, signify his, her, or their dissent from accepting and receiving a share in the said '3*l.* 5*s.* per Centum Annuities,' and 'New 3*l.* per Centum Annuities,' in lieu of his, her, or their respective shares in the before-mentioned 3*l.* 10*s.* per Centum Annuities or Government Debentures; in the manner hereinafter directed, shall be deemed and taken to have consented to accept and receive the same; Provided always, That if any proprietor or proprietors of the said 3*l.* 10*s.* per Centum Annuities shall not be within the limits of the United Kingdom at any time between Monday the 11th day of March 1844 and Saturday the 23rd day of March 1844, both days inclusive, but shall be in any other part of Europe, it shall be lawful for such proprietor or proprietors to signify such dissent at any time before the 2nd day of June 1844; and if any such proprietor or proprietors shall not, at any time between the 11th day of March 1844 and the 2nd day of June 1844, be within any part of Europe, it shall be lawful for him, her or them to signify such dissent at any time before the 1st day of February 1845, such proprietor or proprietors proving to the satisfaction of the Governor or Deputy Governor of the Bank of England, or to the Governor or Deputy Governor of the Bank of Ireland, according to the Bank in which his Annuities of 3*l.* 10*s.* per centum may be placed and the Dividends and Interest payable, his, her, or their absence from the United Kingdom or out of Europe, as above specified, and that his, her, or their share or shares of such 3*l.* 10*s.* per Centum Annuities stood in his, her, or their name or names respectively on the 23rd day of March 1844, in the books of the Governor and Company of the Bank to which he shall signify his dissent; Provided, that such proprietor or proprietors, so absent from the United Kingdom or out of Europe, shall signify such his, her, or their dissent within ten days after his, her, or their return to the United Kingdom.

"4. *Resolved,* That provision shall be made for paying off such proprietor or proprietors of any of the said 3*l.* 10*s.* per Centum Annuities before mentioned as shall signify his, her, or their dissent from accepting and receiving any share in the said '3*l.* 5*s.* per Centum Annuities,' and 'New 3*l.* per Centum Annuities,' in lieu thereof.

"5. *Resolved,* That all persons, bodies politic and corporate, possessed of any part of the before mentioned 3*l.* 10*s.* per Centum Annuities, and who shall desire to signify such dissent as aforesaid, shall, between the 11th day of March 1844, and the 23rd day of March 1844 both inclusive, by themselves, or some agent or agents for that purpose duly authorised, signify to the Governor and Company of the Bank of England, or to the Governor and Company of the Bank of Ireland respectively, in which their Capital Stock of 3*l.* 10*s.* per Centum Annuities may be placed, such dissent in writing, under his, her, or their hand or hands, together with the amount of his, her, or their respective shares in the said 3*l.* 10*s.* per Centum Annuities, and which said dissent shall be entered in a book or books, to be opened and kept by the said Governor and Company of each of the said Banks for that purpose, and numbered in the order in which his, her, or their dissent shall be received by the said Governor and Company of either of the said Banks; and in case of any transfer of such shares, or any part or parts thereof, after such dissent, the part or parts so transferred shall be entered in the said books under the same numbers as were fixed to such shares when the dissent was so signified; and every such dissentient proprietor or proprietors, or his, her, or their assigns, under such transfer, shall be paid off in such order and at such periods and in such manner as Parliament may direct.

"6. *Resolved,* That every proprietor or proprietors of the said 3*l.* 10*s.* per Centum Annuities, the Dividends and Interest on which are payable the 5th day of April and the 10th day of October, shall receive the Dividends due thereupon for the half year up to the 10th day of October 1844, and no longer; and every proprietor or proprietors of the said 3*l.* 10*s.* per Centum Annuities, the Dividends and Interest on which are payable on the 5th day of January and the 5th day of July shall receive the Dividend due thereupon for the half year up to the 5th day of July 1844, and shall also receive one quarter's Dividend thereon up to the 10th day of October 1844, and no longer; and the several before mentioned 3*l.* 10*s.* per Centum Annuities shall be paid off or converted into 3*l.* 5*s.* per Centum Annuities, and New 3*l.* per Centum Annuities in manner aforesaid, from and after the 10th day of October 1844; and no transfer of any of the before mentioned 3*l.* 10*s.* per Centum Annuities to or from the books of the Governor and Company of the Bank of England, or to or from the books of the Governor and Company of the Bank of Ireland shall take place from and after the 6th day of March 1844.

"7. *Resolved,* That all executors, administrators, guardians, and trustees, may signify such dissent in respect of such shares of any of the said 3*l.* 10*s.* per Centum Annuities, for the holding of which their names are made use of respectively; and all executors, administrators, guardians, and trustees, not signifying such dissent, shall be deemed to have assented as aforesaid, and shall be indemnified in respect thereof.

"8. *Resolved,* That all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in, or entitled unto any part of the National Debt redeemable by Law, which now carries an Interest after the rate of 3*l.* 10*s.* per Centum per Annum, and is usually known by the name of '3*l.* 10*s.* per Centum Annuities 1818,' the Dividends on which are payable at the Bank of England on the 5th day of April and 10th day of October in each year and who shall not signify his, her, or their assent to accept 3*l.* 5*s.* per Centum Annuities, and New 3*l.* per Centum Annuities, upon the terms and in the manner hereinafter mentioned, shall on the 10th day of October 1844 receive the sum of 100*l.* for every 100*l.* of such 3*l.* 10*s.* per Centum Annuities, 1818, which may be then standing in his, her, or their name or names, and the said amount of capital of such Annuities shall from the said 10th day of October 1844, be considered as cancelled and paid off, and no interest shall from thenceforth accrue, or become payable thereon.

"9. *Resolved,* That provision shall be made by this House for paying off such proprietor or proprietors of the said 3*l.* 10*s.* per Centum Annuities 1818, as shall not signify his, her, or their assent to accept and receive a share in 3*l.* 5*s.* per Centum Annuities and New 3*l.* per Centum Annuities in lieu thereof.

"10. *Resolved,* That all and every person or persons, bodies politic or corporate, who shall hold or be possessed of any such 3*l.* 10*s.* per Centum Annuities 1818, and who shall, on or before Saturday the 20th day of April 1844, signify in the manner hereafter directed his, her, or their assent to accept and receive 3*l.* 5*s.* per Centum Annuities, in lieu of his, her, or their respective share or shares in the said 3*l.* 10*s.* per Centum Annuities 1818, shall, for every 100*l.* of such 3*l.* 10*s.* per Centum Annuities 1818, receive 100*l.* in a New Stock to be called '3*l.* 5*s.* per Centum Annuities,' which said Annuities shall continue to be paid at the rate of 3*l.* 5*s.* per centum per annum, until the 10th day of October 1854, and from and after that date the said Annuities shall carry interest at the rate of 3*l.* per centum per annum, and shall be called 'New 3*l.* per Centum Annuities, which said last-mentioned Annuities shall not be subject to reduction until from and after the 10th day of October 1874; and the said 3*l.* 5*s.* per Centum Annuities, and the New 3*l.* per Centum Annuities, respectively, shall be free from all taxes, charges, and impositions, in the like manner as the said 3*l.* 10*s.* per Centum Annuities 1818; and the Dividends or Interest of the said 3*l.* 5*s.* per Centum Annuities, and New 3*l.* per Centum Annuities, shall be paid and payable at the Bank of England, or at the Bank of Ireland, on the 5th day of April and 10th day of October in each and every year: and the first half-yearly Dividend on the said 3*l.* 5*s.* per Centum Annuities shall be payable on the 5th day of April 1845.

"11. *Resolved,* That all and every person or persons, bodies politic or corporate, possessed of any part of the said 3*l.* 10*s.* per Centum Annuities 1818, and who shall desire to signify his, her, or their assent to receive the said 3*l.* 5*s.* per Centum Annuities and New 3*l.* per Centum Annuities, in lieu thereof, shall on or before the 20th day of April 1844, but within the usual hours of transacting business at the Bank of England, by themselves or some agent or agents for that purpose duly authorised, signify to the Governor and Company of the Bank of England such assent in writing under his, her, or their hand or hands, or the hand or hands of his, her, or their agent or agents, together with the amount of his, her, or their respective share or shares in the said 3*l.* 10*s.* per Centum Annuities 1818, and which said assent shall be entered in a book or books to be opened and kept by the said Governor and Company for that purpose; and in case of any transfer of such share or shares of such Annuities, or any part or parts thereof, after such assent, the part or parts of such Annuities so transferred shall be entered in the said book or books of the said Governor and Company separately from the said 3*l.* 10*s.* per Centum Annuities 1818, in respect of which no such assent shall be signified, and every such person or persons so assenting, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall, from the 10th day of October 1844, be entitled to 100*l.* of such 3*l.* 5*s.* per Centum Annuities and New 3*l.* per Centum Annuities, in lieu of every 100*l.* of their said 3*l.* 10*s.* per Centum Annuities 1818 Capital Stock: Provided always, that if any person or persons holding any such 3*l.* 10*s*, per Centum Annuities 1818, shall not be within the limits of the United Kingdom at any time between the 11th and 23rd day of March 1844, both inclusive, but shall be in any other part of Europe, it shall be lawful for such person or persons to signify such assent at any time before the 1st day of July 1844; and if any such person or persons shall not at any time between the 11th day of March 1844, and the 1st day of July 1844, be within any part of Europe, it shall be lawful for him, her, or them to signify such assent at any time before the 1st day of February 1845, such person or persons proving to the satisfaction of the Governor or Deputy Governor of the Bank of England, his, her, or their absence from the United Kingdom, or out of Europe, as above specified, and that his, her, or their share or shares of such 3*l.* 10*s.* per Centum Annuities 1818 stood in his, her, or their name or names respectively, or in the name or names of any one or more trustee or trustees, on his, her, or their behalf in the books of the Governor and Company of the Bank of England, on the 23d day of March 1844; Provided also, that such person or persons so absent from the United Kingdom, or out of Europe, shall signify such his, her, or their assent, within ten days after his, her, or their return to the United Kingdom.

"12. *Resolved,* That the Interest and Dividends payable in respect of the said 3*l.* 5*s.* per Centum Annuities and New 3*l.* per Centum Annuities shall be charged and chargeable upon, and shall be issued and paid out of, the Consolidated Fund of the United Kingdom of Great Britain and Ireland, on the 5th day of April and the 10th day of October in every year.

"13. *Resolved,* That every proprietor or proprietors of the said 3*l.* 10*s.* per Centum Annuities 1818, shall receive the Dividends of the said Annuities due thereon on the 10th day of October 1844, and no longer.

"14. *Resolved,* That it shall be lawful for the Accountant General of the Courts of Chancery in England and Ireland respectively, and also for the Accountant General of the Court of Exchequer in Ireland, and for the Accountant in Bankruptcy in England, at any time before the 8th day of July 1844, to signify to the Governor and Company of the Bank of England, on behalf of any suitor or suitors, or others interested in any such 3*l.* 10*s.* per Centum Annuities 1818, standing in the names of such Accountants General and Accountant respectively, their assent to accept and receive shares in the said 3*l.* 5*s.* per Centum Annuities, and New 3*l.* per Centum Annuities, in lieu of all such 3*l.* 10*s.* per Centum Annuities 1818, standing in their names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all actions, suits, and proceedings for and in respect of any action, matter, or thing done by them respectively in pursuance thereof.

"15. *Resolved,* That all executors, administrators, guardians, and trustees, may signify such assent at any time before the 20th day of April 1844, in respect of such shares of any of the said 3*l.* 10*s.* per Centum Annuities 1818, for the holding of which their names shall be made use of respectively, and shall be indemnified for giving such assent in respect thereof; and all executors, administrators, guardians, and trustees not signifying such assent, shall be deemed not to have assented as aforesaid, and shall be paid off accordingly."

Mr. *F. T. Baring* would trouble the Committee with but a very few words in reference to the resolutions which had just been submitted. To the various matters introduced very properly by the right hon. the Chancellor of the Exchequer into the early part of his speech, he did not on that occasion think it necessary to turn his attention; he would, therefore, confine his observations to the proposal itself, and it was most gratifying to him to be enabled to say that he had heard that proposal stated with very great satisfaction. He should be sorry if in a question so important and so intimately connected with the public faith, the mere fact of their sitting on different sides of the House should occasion the slightest difference of opinion between himself and the right hon. Gentleman. Of course he confined his observations on that occasion to the principle upon which the right hon. Gentleman's plan proceeded. Whether the terms in which he proposed to carry out the scheme were inadequate to the performance of its duties or not, the holders of the stock would be the best judges, and must decide. The plan, so far as its principle went, and as it had been explained by the right hon. Gentleman, he was bound to say was in many respects most beneficial. The first great advantage of the plan was — that which had been stated by the right hon. Gentleman—that it did not create any additional debt. That in itself was a great public advantage. The Chancellor of the Exchequer had not stated, but it was only fair that he should state it, that the course which the right hon. Gentleman had taken was a very honest one for a Chancellor of the Exchequer to adopt, because he lost that advantage he might have obtained if he had made the reduction of the annual decrease take place immediately. He had however postponed it, though the contrary course would have been most convenient to the right hon. Gentleman—he had postponed the operation of his plan on consideration of public faith and public interests. The right hon. Gentleman had not referred to this circumstance, but he felt bound to do so in justice to the right hon. Gentleman. Another advantage was the manner in which the plan would operate on private individuals, who were holders of the stock with which it was proposed to deal. It would come rather sharp upon them if the full reduction of one half per cent. were made at once; but by reducing the interest one quarter per cent. in the first instance and another quarter in ten years hence, they reduced the incomes of private holders in the most convenient mode to them. There was one circumstance connected with this proceeding which had been referred to by the right hon. the Chancellor of the Exchequer, in regard to which he could not forbear the expression of the entire satisfaction and pleasure he felt, viz., that it would hold out not only to ourselves, but to other nations, a great practical lesson, that honesty and good faith, even under the greatest difficulties, had their pecuniary advantages as well as the more important and solid advantages resulting from the operation which such a course must necessarily have upon the good opinion and good feelings of the world. On the detailed plan of the right hon. Gentleman, he could not then, of course, give any opinion; he could only say that he most heartily wished him success.

Sir *J. Rae Reid* was gratified at the tone in which the question was discussed, and felt that he should not do his duty towards the right hon. Member for Portsmouth (Sir F. Baring) if he did not congratulate him on the very handsome and liberal manner in which he had expressed his approval of the Government scheme, and he flattered himself that that feeling would be general. He was sure the holders of the Three-and-a-Half per Cents. would be gratified when they were informed of the manner in which the right hon. the Chancellor of the Exchequer proposed to deal with the subject. The plan, under all the circumstances, was, he thought, the most convenient that could be proposed, and he believed it would give almost universal satisfaction. He had once been accused of being a most sanguine individual. He had been accused of making use of a metaphor in speaking of the commercial and manufacturing distress which prevailed two years ago. He had said, that that distress was a mere passing cloud, and that the sunshine of prosperity would soon return. And now what was the state of the case? The bright star of hope was before them, and he was satisfied that ere long the country would arrive at prosperity and success.

Mr. *P. M. Stewart* expressed his approbation of the manner in which the statement of the Chancellor of the Exchequer had been made. In the plan proposed, he thought the right hon. Gentleman had exercised not only a sound judgment, but a self-denial, which was highly creditable to him, in not taking advantages which he might have been expected to take. There was, however, one topic in the speech of the right hon. Gentleman which ought not to be passed over without some words of caution. He alluded to that portion of the right hon. Gentleman's speech in which he referred to the prospects of returning prosperity. The right hon. Gentleman could scarcely have forgotten the embarrassments which had followed the prosperity of 1824, and the disappointment of the sanguine expectations of the Chancellor of the Exchequer of that day, who, from talking so much about prospects of prosperity which were never realised, but utterly dispelled by the events of 1826, obtained for himself the name of "Prosperity Robinson." He hoped the present Chancellor of the Exchequer would not allow himself to be misled in a similar way by appearances which might be equally deceptive. The circumstances which had enabled the right hon. Gentleman to propose an arrangement so beneficial to the public creditor, afforded no proof of the prosperous condition of the country to which the right hon. Gentleman had alluded. On the contrary, the present condition of the money market, he thought, was a proof of the falling off of our domestic and foreign trade, by which capitalists were induced to invest their money in the public funds. This it was that had increased the price of funds to such an amount as had enabled the Chancellor of the Exchequer to propose the arrangements he had submitted to.

Sir *John Easthope* must apologise to the House for venturing to address to it any opinion of his upon such a question; but he could not refrain from expressing his approbation of the plan which the right hon. the Chancellor of the Exchequer had propounded, and his cordial satisfaction at the unanimity with which it had been received; though he could not participate in the opinion of the hon. Member for Dover (Sir J. R. Reid), that the proposal would be accepted with delight by the holders of the stock. He congratulated the right hon. Gentleman, the Chancellor of the Exchequer in having proposed a plan which was at once most just, simple, and certain of success. Whether he referred to its justice—looking at the present state of the money market, and the circumstances of the country; to its clearness and simplicity, by being divested of all complexity in the manner in which it was to be carried into effect; or whether in regard to the acceptance which it was, from those circumstances, almost certain to receive in all quarters, he could not doubt that the plan would be perfectly successful. He therefore begged to congratulate the House and the right hon. Gentleman, independently of all party considerations, on his having devised a scheme so just and effective.

Mr. *W. Williams* thought, that in the present condition of the money market, the terms proposed by the right hon. the Chancellor of the Exchequer were as liberal as could be expected; but his chief ground for approving of the scheme was, that it made no addition to the capital of the debt. On former occasions, when the interest on the public funds had been reduced, it had been usual to give a bonus to the holders, thus increasing the funded debt. This was a most objectionable proceeding; and he was glad it was not adopted in the present instance. From the commencement of the American war, in 1775, to the close of the French war in 1815, 589,000,000*l.* had been added to the capital of the debt. He would not make any comment on the course of the Government in bringing up Stock to its present rate, for he did not wish to say anything to disturb the unanimity which prevailed; but he thought the Chancellor of the Exchequer might propose another operation in finance, one which he (Mr. W. Williams) recommended some years ago, which would be attended with great public benefit, viz., a further reduction of the interest on Exchequer-bills, from 1½*d.* to 1¼*d.* a-day. At no former time had the premium on Exchequer-bills been higher than it was at present, in proportion to the rate of interest, and there could be no more appropriate time for making the reduction. He must join with the hon. Member who had last spoken, in cautioning the Chancellor of the Exchequer against indulging too far in the opinion that the existing indications of returning prosperity were likely to be permanent. The large quantity of gold in the Bank coffers, as compared with former years, was the consequence, not of the prosperity of the country, but of the recent operations in the gold coinage.

Mr. Alderman *Thompson* said, all the great interests of the country were prospering. The trade of the country, both domestic and foreign, was improving in all directions, and the great accumulation of capital in the country he attributed not to the falling off in trade and commerce, so much as to the discredit with which the British public looked upon foreign securities; especially on North American stock, which for many years had been a favourite investment. He thought, too, that the hon. Gentleman (Mr. W. Williams) was mistaken as to the cause of there being so much bullion at the Bank; for it must be remembered that the ten millions of light sovereigns which had found their way to the Bank had been replaced by others of full weight and value. The large amount of capital, therefore, in the country, was in his opinion a consequence of the prosperity of our foreign trade. With regard to the proposition of the right hon. the Chancellor of the Exchequer, he must be permitted to tender his humble acknowledgment of its fairness, so far as regarded the stockholders; and fair also, as regarded the public debtor. He thought the right hon. Gentleman had acted most wisely when he saw the large amount of capital in the country, and the high rate at which the three-and-a-half stock stood, to reduce the interest, and that he had exercised a sound discretion in reducing the Three-and-a-half per cents. to three-and-a-quarter per cent., in the first instance, and to three per cent. at a future period, for if the full reduction were made at once, it would, without doubt, create some discontent and much confusion.

Mr. *B. Hawes* said, the first question to be considered in reference to the proposal to reduce the interest on those securities, was whether it were made with justice to, and would meet with the perfect concurrence of the parties concerned. He thought the right hon. Gentleman had vindicated his plan so far as its justice was concerned. The next question was whether it were a politic measure, and of that he thought there could be but little doubt. There was another part of the scheme which had not been adverted to by those hon. Gentlemen who had gone before him, viz., the arrangement proposed by the Chancellor of the Exchequer for the equalization of the dividends, which he considered of great value. He was addressing many hon. Gentlemen who were intimately connected with monetary transactions, and, he believed they would agree with him that that part of the measure, if proposed by itself, would have been accepted as a measure of great and peculiar advantage. The right hon. Gentleman, then, in introducing his measure had accompanied it by an arrangement which would confer an important and beneficial alteration in the system of apportioning the periodical payments. He fully concurred with what had fallen from the right hon. Member for Portsmouth; and he was quite sure the right hon. the Chancellor of the Exchequer would feel, after the manner in which this proposal had been met on that (the Opposition) side of the House, that whatever discussion might take place, he would be governed by a reference to the public interests only, and not by any wish to throw difficulties in the way of the Government; and he hoped the course now adopted would encourage the Chancellor of the Exchequer to believe that when he should have great and beneficial measures to propose, sound in principle and consistent with justice, no party or factious opposition would be found. Though he prided himself on being a party man, knowing that by combining with a party only could he hope to be of use to his country in that House, still, on matters relating to trade and commerce, or any other subject, when the Government propounded sound principles and acted on true policy, however strong his opinions might be on certain party questions, and however strong his predelictions in favour of the party with which he was connected, he trusted those opinions and predelictions would never operate to induce him to throw any difficulties in the way.

Mr. *Warburton* joined in the congratulations which had been expressed at the turn the debate had taken, and at the saving which would result from the proposal when carried into effect. But while they were congratulating themselves that the money market was in a position to enable the Government to effect this operation, it ought to be recollected, that it was by the low rate of interest, which showed the low rate of profit obtained in trading and commercial transactions, which enabled the Chancellor of the Exchequer to succeed—

> "——medio de fonte leporum
> Surgit amari aliquid."

Mr. *Blewitt* was surprised the Chancellor of the Exchequer had not stated how he proposed to pay off the dissentient holders.

Mr. *Ricardo* trusted the right hon. Gentleman would be prepared to pay off the Dissentients, should there be any. He approved of the plan the right hon. Gentleman had propounded, but it was possible that there might be some objection on the part of the holders, as the terms offered to them were not so favourable as they had been led to expect. He hoped, however, the right hon. Gentleman would be enabled to carry out the plan as he had proposed it. He wished to know how it was intended to levy the Income Tax on these annuities for the next ten years previous to the final reduction—whether it was to be taken as a permanent annuity, or a terminable one?

The *Chancellor of the Exchequer* said, with regard to the Income Tax, it would apply as at present to the whole incomes of the holders; and those who derived their incomes from an interest of Three-and-a-Half Per Cent., would pay on what they received only as they did now on the Three-and-a-Half per Cent. He could not sit down without expressing his strong feeling of the great kindness with which the proposition had been received by the House. At the same time he was bound to say that it was nothing more than he had anticipated. For whatever the party warfare in which they had been engaged—as he hoped and believed for the benefit of the country—he must say that on all occasions where practical measures of this kind were proposed by the Government, the House was always disposed to receive them favourably and to consider them with fairness and attention. He again thanked the House for its unanimity, of which he was the more sensible when he considered that that unanimity would secure to the public the advantages of the proposition.

Resolutions agreed to. House resumed.

On the Order of the Day for going into Committee of Supply, having been moved,

Mr. *Sharman Crawford* presented a petition from Aberdeen, praying that the House, before going into Committee of Supply, should take measures for redressing the grievances of the people, and particularly for securing a full and fair representation of the people at large. The hon. Gentleman then presented similar petitions from Bridport, Darlington, and Galashiels.

BLOCKADE OF THE RIVER PLATA.] Mr. *Ewart* rose to make such inquiry as he trusted would not be unbecoming on his part in reference to our relations with Rio de la Plata, and particularly as to the war between the States of Buenos Ayres and Monte Video. He could conceive scarcely any part of the world of so much interest to our commerce as the Southern States of the Southern Continent of America. There was scarcely any part of the world yet unexplored by our commerce, capable of increasing it to so large an extent. As far as river communication was concerned, there was hardly any country so favourable for commerce as those vast provinces watered by the Plata, the Parana, and the Paraguay. The commerce of these States was of the greatest importance to this country. He need not refer to the article of hides, but he believed that the country in question had also the means of extending the cultivation of cotton. Indigo, too, might be produced there, and they had recent experience that wool—before almost unknown as coming from that part of the world—now formed one of the largest articles it sent into our markets. South America now stood third in the list of our sources of supply of that article. But the cotton trade claimed a still greater share of the consideration of this country. Our exports in 1841 to Rio de la Plata amounted to 1,000,000*l.* One half of this amount consisted of cotton goods. The amount of woollen goods was 200,000*l.* There was also a considerable export of linen goods, and looking to the elements of demand for our manufactures, he thought that there were few regions claiming our attention as much as those of the Rio de la Plata. Turning to the imports from thence into this country, he found, that of late years, they had very considerably increased. He had already alluded to the article of wool. In 1830, we only imported 30,000 lbs. of wool, while we now imported 5,000,000 lbs., and that was the species of wool on which the wool duty was most onorously felt. He would next touch on what might be called the diplomatic part of the question. He had heard complaints of various sorts upon this part of the subject. It was hoped by people engaged in the trade, that the suspension of commerce which had taken place, would be put an end to by the joint interference of the French and English Governments. Our own commerce with Rio de la Plata was almost paralysed by the unfortunate war now waging. He knew that a great many of the persons who were in the habit of supplying returns for our manufactured goods, were forced to serve in the ranks of the conflicting parties, particularly by General Rosas. He had heard also that there did not exist a feeling of harmony between the English and French Commanders on the coast. Complaints had also been made of the conduct of our Minister at Buenos Ayres, and it had been stated, that he showed himself more favourable to the Buenos Ayrean than to the Monte Videan party; while the Commander on the coast was accused of being more favourable to the Monte Videan than the Buenos Ayrean party. In the hope that some course would be adopted which would have the effect of bringing about a general harmony in the proceedings of Government, and their officials, and of putting an end to this foolish war, he now appealed to the right hon. Baronet at the head of the Government. It was expected by the merchants of Liverpool, and the manufacturers of Manchester, that the combined operation of the French and English Governments would have put an end to the war. Such, however, had not been the case. He had recently seen it stated that a French vessel had sailed from Rio Janeiro to the mouth of the Plate, and it was thought to have been the bearer of some common resolution on the part of both Governments, with the view of putting an end to the petty animosities of the discordant states. He would not say whether justice was on the side of Rosas or Rivera; his object was the extension of our commerce and manufactures, and the general interests of this country and the world. He was convinced that the general policy of the right hon. Baronet, was a peaceful policy; and so far as was consistent with his duties as an independent Member of Parliament, he would support him or any other Minister in that policy; but he trusted that he would be enabled, along with that great man at the head of the French Government, to consult the interests of this country and of humanity, by maintaining, without dishonour to either nation, the peace of the world. It was in the hope that some common understanding might become to by the Governments of France and England, that he asked the right hon. Gentleman to state whether he could give them any hopes of the probable conclusion of this unfortunate warfare. France was, as well as this country, deeply concerned in its conclusion; and where there was a common interest, there might be a common combination; and it might not be impossible that the Government of this country, and that of France, might be successful in putting down a war, in the termination of which they were mutually interested.

Sir *Robert Peel* had heard with great satisfaction the observations which the hon. Gentleman had made towards the conclusion of his speech, with respect to his determination, as an independent Member of Parliament, to place a liberal construction on every Act of the Executive Government in this country, which had for its object the maintenance of amicable relations with France consistently with the honour and interests of this country. The hon. Gentleman might depend upon it, that no compromise of the mutual interests of the country, or the honour of the country, would take place; but the hon. Gentleman, and those who concurred with him in politics, were strengthening the hands of the Government, and facilitating the grand object of the maintenance of peace, by the avowal of their determination not to look out for subjects for party advantages, while (the Government) was labouring honestly for the maintenance of peace, by throwing out imputations that they were acting in subservance to France. He wished that the great man at the head of the Ministry, in that country, who was now pursuing, from the purest and most honourable motives, a course perfectly consistent with the honour of his country —a course of which the grand aim was to maintain peace—he wished that that great and good Minister had not such obstructions thrown in his way, for party purposes, which he (Sir Robert Peel) was proud to say, were not thrown in the way of his own Government. He believed that the Prime Minister of France was influenced by precisely the same motives by which the Ministers of this country were influenced; he believed that M. Guizot was convinced that for the interest of both countries, for the general interests of commerce and civilisation, that it was of the utmost importance that a good understanding should be maintained, consistently with their mutual honour, between the two nations. But that Minister was determined to purchase that good understanding by no concession injurious to the interests or to the honour of France, and he could justly bear that testimony to his character and conduct. He had found that that was always the principle by which M. Guizot was governed, and he hoped that the liberal and enlightened public opinion of France would support him against those violent party attacks with which he had to contend. He (Sir Robert Peel) quite agreed with the hon. Gentleman as to the importance of our commercial relations with South America. He also agreed with him as to the lamentable consequences of this most foolish war. He did not look merely to the importance of Buenos Ayres, or of Monte Video, but he looked upon the river Plata as the great natural inlet for our commerce with that portion of the South American continent. It was the channel by which the productions of that country would naturally be conveyed to this country, and by means of which, also, our manufactures were to be conveyed into the interior; and, therefore, he concurred with the hon. Gentleman that nothing could be more injurious to the commerce not only of this country, but to that of South America, than the continuance of this war. The conflict, however, was by no means of an ordinary character. It was the rivalry of personal interests, carried on at the expense of the happiness and industrial prosperity of the country. But the hon. Gentleman must recollect that he should forfeit his claims to the hon. Gentleman's confidence as a minister of peace, if he undertook to control the discretion of these independent states by too forcible an application of power. The Government had already resorted to every means short of actual armed intervention for the purpose of terminating the war. They first offered singly the mediation of England at an early period of the war. They afterwards offered, in connection with France, the joint mediation of the two countries. That mediation was accepted by Monte Video, but was rejected by Buenos Ayres. No effort had been left untried for the purpose of terminating the war; and he hoped that the hon. Gentleman would agree with him in thinking that it would not be wise for this country to interfere, by force of arms, to compel the restoration of peace. Indeed, he doubted whether tranquillity, obtained by such forcible means, would be likely to last. At all events, it would be necessary, in the event of such a measure being adopted, that the armed force which had been employed in restoring temporary calm should remain there to enforce the peaceful arrangements. Whether it would be possible for the Brazils, France, and England united to put a stop to hostilities by force, he would not say; but it was quite clear, that if any armed intervention could be justified, it could only be so by the concurrence in it of the three Powers most deeply interested in the termination of the war—Britain, France, and the Brazils. With respect to the conduct of the diplomatic agents and the naval officers, he would remark that they being on the spot, and lamenting the continuance of hostilities, had laboured most zealously to terminate them. It was possible, that in their zeal they might have stepped rather beyond the strict line of their instructions; but if they have done so, they had been influenced by the best motives and the sincerest desire to restore tranquillity. By recent accounts which he had received, he thought it likely that the war would soon be brought to a termination. However, it was difficult to say. Nothing could be more complicated than the condition of the parties engaged in it. It was not properly a conflict between Monte Video and Buenos Ayres. In fact, there was a strong Buenos Ayrean party in Monte Video. There was a Federal party and an Unitarian party—not, of course, having any relation to the Unitarians of this country—in Buenos Ayres, and, therefore, the war might be considered as rather between different parties in Buenos Ayres than between Buenos Ayres and Monte Video. There was also mixed up with the contest the personal rivalry of General Rivera and General Rosas, a rivalry carried on with fierceness and acrimony which it was almost impossible for the people here to form an idea of. But he repeated that the last accounts which he had received, gave him reason to think that there was a probability that peace would be restored, in consequence of the reverses sustained by one of the conflicting parties. He thought that Buenos Ayres would probably prevail, but he trusted that upon peace being restored, the party which might have the ultimate triumph would adopt the policy of healing the wounds so wantonly inflicted on the two countries, by taking measures for the restoration of commerce and peaceable industry, and by cementing the good understanding between them by mutual commercial relations with this country.

Order of the Day read.

Public Grievances—Stopping the Supplies.] On the Motion that the Speaker do now leave the Chair,

Mr. *S. Crawford* said, that he had persevered for a considerable time in trying to induce the House to consider the Grievances of the people before they entered into a Committee of Supply. He wished it to be understood that while he would cease to persevere in this course, he did not give up his protest against the competency of this House to make laws or impose taxes, so long as the great body of the people remained unrepresented within its walls. He would add, however, that whenever the expression of the public voice became strong enough to justify the course, he would use every means allowed by the forms of the House to obstruct the voting away of the public money in the present constitution of the House.

Supply—Army Estimates—Duelling.] The House in Committee of Supply.

Several sums were voted on account of the Army Estimates.

On the vote of 141,610*l*., for defraying the expenses of the widows of officers,

Viscount *Howick* thought this a good opportunity to ask an explanation as to the fact of a pension being refused to the widow of the late Colonel Fawcett, on the ground that her husband had fallen in a duel. He wished the right hon. and gallant Gentleman to explain the grounds of the decision to which the Government had come; and also whether, having taken the step he had alluded to in this case, it was his intention to introduce some more general measure for the discouragement of duelling, both in the army and elsewhere, in order to carry into effect what appeared to be the object in view in the refusal of this pension.

Sir *H. Hardinge* thought he saw in his place an hon. and gallant Officer who had a Motion on this subject fixed for this evening. He thought that gallant Officer informed him it was his intention to postpone his Motion until Monday. He thought it would be inconvenient to give an explanation on these two occasions, though, if the House wished, he was perfectly ready to go on with his statement. Was he to understand, then, that the gallant Officer consented to take the discussion now. [Captain *Bernal:* "No."] After that answer, he thought he should do best by confining his explanation to the statement that the grounds on which he refused the widow of the late Colonel Fawcett a pension, were such as, in his discretion, did not justify him in recommending her to the favour of Her Majesty. Upon that being stated to his right hon. Friend (Sir Robert Peel), the right hon. Gentleman confirmed the view of the case which he (Sir H. Hardinge) had taken. As the gallant Officer still intended to bring forward the Motion of which he had given notice, he thought the noble Lord would see it was better not to persist in discussing the subject now.

Viscount *Howick* said, it might be very well for the gallant Officer and the right hon. Baronet and gallant Gentlemen opposite to take this course, but he confessed he did not think the House ought to agree to this Vote without further expression of opinion on the point to which he had alluded. He knew perfectly well when a Motion was brought forward, on the question being put for the Speaker to leave the Chair, in order to go into Committee of Supply, they were always met with the objection that they were interfering with the progress of the public business, and most justly so. He for one, whether sitting on that or on the other side of the House, had invariably set his face against discussions on the question for reading the Order of the Day, unless on occasions of so pressing a nature as not to admit of delay. To bring Motions forward for redress in going into Committee of Supply, was, he thought, continuing the soundest and best Parliamentary practice. But that was a case quite different in its nature from the present. He believed, if they were not prepared to take the strong step of moving an address to the Crown on this subject, for which he confessed he at least was not prepared, the proper and Parliamentary opportunity of raising a discussion on it was that which was now offered to the House, on the Vote being proposed for a sum to grant pensions to widows of deceased officers. He had expressed to the gallant Officer behind him a strong opinion to this effect—he had no wish to take the discussion on himself—he should have much preferred, that the gallant Officer should have brought the matter forward, as he had given notice of it, but, seeing that notice of it had been given for to-night; having himself come down, as others had done, exclusively on this account, and no notice of postponement having been given, he had urged the gallant Officer strongly to bring it forward. As the gallant Officer had not done so, he should take the liberty of now offering the very few remarks he was anxious to make. With respect to the refusal of the pension, all he had to say was, that if Her Majesty's Government were seriously prepared to take up this most important question of duelling, if they were prepared to do all in their power to discourage and put down this, as he must call it, most unchristian and sinful practice, then he should acquiesce in the necessity, however painful that necessity might be, of refusing to the unfortunate widow of the late Colonel Fawcett the pension to which, under the circumstances, she would be entitled. But if Her Majesty's Government were not prepared to do this—if they meant to leave the subject in its present most unsatisfactory condition—if they meant to take no effectual means for putting down the practice of duelling, then he did say that the step they had taken with respect to Mrs. Fawcett was a step not only of great hardship and great cruelty, but of great injustice. He said, unless they made a great change in their practice, they had no right to do this. If he was not greatly misinformed, it had been the practice, up to the most recent period, to put on officers of the army the absolute necessity, under some circumstances, of fighting a duel. If he was not mistaken, not more than a year ago, an officer had been sentenced to suspension from his rank and pay, by the finding of a court-martial, for not having taken steps to obtain an immediate and legitimate redress for a gross outrage. Now, he knew perfectly well what the answer to this was. When the charge was offered in this shape, when an officer was accused of conduct unbecoming an officer and a gentleman for not taking steps to obtain redress for an outrage offered to him, the answer was, that the redress which he ought to have sought for was that which would have been obtained from the Horse Guards. But he said boldly, that this was a mere evasion. They all knew that the real redress an officer under such circumstances was expected to ask for was that which was now called demanding satisfaction from his adversary. He would go further, he would ask the right hon. and learned Gentleman, the Judge Advocate General, whether, even since that right hon. Gentleman had been in office, the sentence of a court-martial had not been submitted to him, in which the ordinary forms of evasion had been neglected, and in which the officer was, under this form, sentenced for having declined to fight a duel. His information might be incorrect, but undoubtedly he had heard it, and that the right hon. and learned Gentleman had found that the sentence in that shape was one which was decidedly illegal, and could not be allowed to pass. But the very fact that the charge might be submitted to the court-martial in that form—if he was correctly informed that such was the case—did prove that what was really expected from an officer under such circumstances, was not that he should appeal to the Horse Guards, but that he should take redress into his own hands. Now, he said, if this had been allowed to go on in the Army, if much more efficient means than had been hitherto adopted to put down this system of duelling were not taken, it would be the very height of injustice to refuse to the widow of an officer who had fallen in a duel, the pension to which she would otherwise have been entitled. Ministers told the House that there was difficulty in legislating on the subject, and he admitted that there was. But with respect to the Army, he maintained that Her Majesty's Government, without legislating, had it in their power, most completely and entirely, if they were inclined to exercise it, to put down the practice of duelling. What could be the difficulty of taking this course, to make it known in an authoritative manner to officers, that Her Majesty's Government would not permit this practice to go on, to call on all officers who might receive an insult, to submit their case to a superior authority, by means of a Court of Inquiry, if legal difficulties stood in the way of appealing to a court-martial? By means of a Court of Inquiry, the character of each case might be ascertained, and the prerogative of the Crown in the power of dismissing a guilty party, on the report of a Court of Inquiry, would give ample means of discovering persons guilty of an insult, which, in the ordinary course, would lead to a duel. If Her Majesty's Government were to take this course—to offer redress in this manner to those who were insulted; and, at the same time, to give notice that every party, principal or second, engaged in a duel, would instantly and summarily be dismissed from Her Majesty's service—no man could doubt that the practice of duelling would be very speedily put down. They might even go further. He thought the practice of duelling was so great an evil—so contrary to what every man in private felt to be right and consistent with a man's duty, that not only as regarded the military and naval services, but the community at large, Government ought to take some means to suppress the practice. That task he did not believe to be impossible. In his opinion, what was required was, simply to modify the severity of the existing law. He believed, that what now defeated the law, in nine cases out of ten, was, that its undue severity ran counter to the common feeling of justice in men's breasts. The offence of killing a man in a duel was, technically and legally, murder; but surely it was felt by all that, although a great crime, it was still one of a very different character, and deserving a different measure of punishment from that of deliberate and wilful murder. He thought that the offence ought to be taken out of that class, and that special provisions, with a moderate amount of punishment, ought to be appointed for cases of duel. Having thus modified the law, Government should take care that the law, so altered, was uniformly and impartially administered. Besides this, another step might be taken which would do much to prevent what was considered the necessity of duelling, and that was to afford parties receiving insults, and who are at present the parties who fight duels, some means of obtaining from the legal tribunals of the country a redress in proportion to the offence. He did not think there was any insuperable difficulty in forming some law which would enable persons aggrieved and insulted to obtain redress proportioned to the offence from one of the courts of law. There were two courses open to Her Majesty's Government with reference to this pension. Either they might allow things to remain as they now were; and if they did, if they shut their eyes to the practice of duelling, if they would do nothing but connive at its existence as hitherto, then he must say they ought to grant Mrs. Fawcett the pension of which she had been deprived. The other course was, that they should set themselves seriously to work to put down the practice altogether, and that they should not look in any case to see who were the parties concerned. No one could help remarking, that in a case which occurred very lately, a person in a very high and distinguished situation which made the offence in him infinitely more serious and aggravated than it could be in any military officer—in that most remarkable case in which he thought the high authorities in whose presence the offence was committed had grievously failed in their duty to the country and to the court in which they presided, Her Majesty's Government had passed over the offence as if it were one of a most venal and trivial description. He said there was no consistency in this conduct; one line or the other ought to be adopted. They ought to strive to put down duelling on principle, to act impartially and generally against all offenders, or if this they would not do, they ought not to be guilty of what he must consider the cruelty and injustice of refusing to the widow of one of the unfortunate victims of this most unhappy system a pension which very possibly her circumstances might render particularly necessary to her.

Captain *Bernal* said, perhaps it might be satisfactory to the right hon. and gallant Gentleman after what had fallen from the noble Lord the Member for Sunderland, to know that he did not acknowledge that he had fairly laid himself open to the lecture which the noble Lord had read him on constitutional law. He had consulted several Members of equal standing with the noble Lord in the House as to the course which it would be proper to take on this question. Nothing had fallen from the noble Lord which would stop him from bringing forward on the Order of the Day for going into Committee of Supply the Motion of which he had given notice.

Sir *H. Hardinge* certainly thought that the speech of the noble Lord was not characterized by the usual fairness which marked his conduct in that House. The present case was to come forward on Monday next, and yet with that knowledge the noble Lord had taken this opportunity of discussing the whole discipline of the Army relating to duelling on an occasion when he must know that the Mutiny Act, and other opportunities, would enable him to bring forward this subject more conveniently than at present. Seeing that this question was to come forward on Monday, and that the gallant Officer (Captain Bernal) took a different view of it from him (Sir H. Hardinge) he thought it would have been more fair if the noble Lord had consented to postpone his observations till that occasion. Having already given the noble Lord all the explanation which he thought necessary on the subject of the soldiers' pension, he must decline entering into any further statement at present. With respect to the other part of the noble Lord's speech, whether the officers of the Army were expected to find their way out of every dispute into which they might get by duelling, and that this was connived at, as the noble Lord said, by individuals at the head of the Army—he must confess he was surprised that the noble Lord should bring forward such erroneous notions, notwithstanding the high office which he had held for several years as Secretary at War—he must give this part of the noble Lord's speech the strongest contradiction in his power. He did not believe that the statement of the noble Lord was borne out by facts. He was confident the noble Lord could not produce any instance in which officers had been brought to a court-martial and cashiered for not having fought a duel in consequence of having had an insult offered to them. He must observe, that there appeared to be in the mind of the noble Lord, as well as of other individuals, a great misunderstanding on this question. By the Articles of War, an officer was liable to be cashiered for fighting a duel, and it was stated, "that whoever should give, send, convey, or promote a challenge, or should upbraid an officer for refusing a challenge, should, if convicted thereof, be cashiered." Another

Article said, "If any officer shall behave in a scandalous and infamous manner, unbecoming the character of an officer and a gentleman, he shall also be liable to be cashiered." Another Article said, "We do hereby acquit officers of any disgrace or opinion of disadvantage, which may arise from their refusing to accept a challenge, as they will only have acted in obedience to our own orders, and done their duty as good soldiers, who subject themselves to discipline." Having shown to the House what the Articles of War prescribed on this subject, he asked the noble Lord how it was possible that twelve or thirteen officers, men of education, put upon their oaths to judge in a case, and with this book the Articles of War open before them, could punish a man for declining a challenge? Officers were told they were not to accept one—that there was no disgrace in refusing it—but, according to the noble Lord's version of the discipline of the Army, an officer would be tried for scandalous and infamous conduct, unbecoming an officer and a gentleman, and might be cashiered, if the fact were proved, for refusing to fight a duel. Why, it would be a violation of their oaths in the members of any court to come to such a conclusion; it would be a violation of all decency and common sense. The noble Lord had had great opportunities, having been five or six years at the War Office, of proving the truth of this view of the subject; and if there were any defect in the Articles, it was the noble Lord's duty, when he filled that office, to recommend to Her Majesty any alterations which he might consider necessary to render them better adapted to the service. Under these circumstances, when the noble Lord told the Government of the present day, that they had it in their power to put down duelling, and that it ought to be put down in the Army, he was induced to ask what the noble Lord had been about during the five years of which he had spoken? Why did not the noble Lord put it down during that period? Why did he not take those steps which he found fault with the Government of the present day for not taking, when he had the Articles of War before him? He could assure the noble Lord that the subject had not escaped the attention of the present Commander-in-Chief and the Government, and though it did not become him to enter at length into this subject, because certain alterations in the forms of procedure had not yet received the sanction of Her Majesty, he would say that the question was under the consideration of the Government. With respect to the noble Lord's observations that officers were cashiered for not fighting duels, he would refer to the case mentioned, he believed, the other day, by the hon. Member for Wycombe (Captain Bernal), namely, that the very last mail from the West Indies had brought the case of an officer who had been tried for having submitted to an insult, because he would not fight a duel, and the opinion was that he would be cashiered. Whether he was or not, he really could not answer, but he would read the charge brought against an officer as late as 1843, without mentioning names. It was—

> "For scandalous and infamous conduct, highly unbecoming the character of an officer and a gentleman, in submitting to be repeatedly charged with ungentlemanly and blackguard conduct without further replying to said charges and language used to him, or reporting it to his commanding officer, or taking any measures for exculpating himself from charges so derogatory to his character."

Now this officer was brought to trial for conduct unbecoming an officer and a gentleman, and he (Sir H. Hardinge) maintained that when this occurred this officer ought to have gone before his brother officers and his commanding officer, and said, "Try me, I am ready to exculpate myself and disprove the charge brought against me." But, according to the erroneous version of the noble Lord, it would follow that twelve or thirteen gentlemen, sitting in a court with the Articles of War before them, were to suppose that this individual ought to have fought a duel, and ought not to have exculpated his character from these defamatory charges. He (Sir H. Hardinge) would only say he had been forty years in the Army, and he had never known one case at all approaching to such a result as the noble Lord had stated. He knew what the circumstances of the case he had alluded to were. The individual had acted in so dishonourable a manner, that he did not dare to demand an inquiry to exculpate himself, and his brother officers, therefore, forced him before a court-martial under the clause he had read which enacted that an officer might be brought to trial for scandalous and infamous conduct, unbecoming an officer and gentleman, and if convicted might be cashiered. It was said that an individual thus tried was brought to a court-martial for not fighting a duel; he contended that it was because he did not dare to attempt to vindicate himself, and was afraid to have his conduct inquired into. Could it be supposed that twelve or thirteen gentlemen, with the book from which he had quoted open before them, would be so lost to all sense of their duty as men and Christians, and to all regard for their oaths as to convict a man for refusing a challenge? He said, no such thing was ever done. In the same year (1843)—he took the most recent cases, because the noble Lord said the system was still being acted upon at the present day, and that officers were driven to the unchristian and unreasonable act of fighting a duel, when they ought to have a court of inquiry—in April, 1843, an officer was tried for scandalous and infamous conduct, in having submitted to be stigmatised as a liar and a scoundrel, and other opprobrious epithets, by another individual, for which the court found him guilty, and, of course, the individual was cashiered. When he (Sir H. Hardinge) made inquiries, what did he find? That that individual had conducted himself in such a disgraceful manner, that he did not dare to face a court of inquiry composed of his brother officers, and they had, therefore, brought him to a court-martial to exclude him from the regiment. How these cases could be construed into the view the noble Lord had taken of them, he could not understand. He could understand, if an officer had insulted another, and by his slackness in resenting insult, had exposed himself to odium, he might be sent to Coventry by his brother officers, and under such circumstance he might find his position so extremely unpleasant that he would be obliged to leave the regiment. He knew an instance in which a field officer, having a high sense of religion, and being a man of very conscientious mind, declined to fight a duel, because he would not sin against the command of God. The officers of the regiment knowing the inconvenience to which they were exposed by having a member of the regiment liable to such imputations, felt highly aggrieved. What was the consequence? The present Commander-in-Chief protected that individual to the full extent which the good of the service required; he caused an inquiry to be made respecting the transaction which had been the cause of quarrel between these parties, and the blamelessness of that officer's conduct having been fully established, the objection against him was withdrawn by his brother officers, and the gentleman, acting on the noble Lord's principle, of refusing to fight when he could not reconcile it to his conscience, was now in the service, a highly respected field-officer. He believed this course had been pursued in almost every instance; wherever an opportunity of discouraging duelling had offered itself, it had been discouraged. He could show by an extract what was the opinion of Sir Charles Morgan, who was Judge Advocate General several years ago. When he suspected that the wording of a charge which was brought against an officer, might be construed into an accusation for not fighting a duel, he caused the officers to be written to. The case occurred in 1804: the party was charged with "associating and being in habits of intimacy, at different periods since the 13th December, with Assistant-surgeon such-a-one, notwithstanding that he had been collared and struck by the Assistant-surgeon on the evening of the day previous, and for thus behaving himself, &c." The officer was struck and took no notice of it; he was brought to a court-martial; and Sir C. Morgan, thinking it possible there might have been some intention to punish him for not fighting, wrote this note—"the investigation of the second charge against Lieutenant ——— having ended in an acquittal, it is necessary to observe, that had I been aware of this previous to the trial, I should not have referred the case to a court-martial, as it appears to me that in substance, though not in direct terms, this charge comes little short of imputing to him as a crime that he did not challenge or fight a duel with the Assistant-surgeon." The Lieutenant was acquitted. There was no such intention on the part of the Court towards this officer, but merely because there was that suspicion of such an imputation, the Judge Advocate had entered this opinion. He could only assure the noble Lord that, in every case which had come before him having made every possible inquiry, both at the Horse-Guards and from his right hon. Friend near him, the Judge Advocate General since the hon. Member for Wycombe gave notice of his motion, he could not find a single instance in which any officer of the army had been brought to a court-martial because he had been wanting in courage to fight a duel. On the contrary, the cases in which trials growing out of transactions of this kind had occurred, were cases in which the persons brought to trial had stooped to disgraceful conduct, and did not dare to vindicate himself. He must withhold from the noble Lord any further statement as to the pension to the widow of Col. Fawcett; but he trusted that he should be able to satisfy the House, when the matter was brought before it, that he had acted as his duty required. He was the person responsible for the step that had been taken and he hoped he should be able to show that the discretion he had exercised had been a proper one.

Colonel *Fox* said, he would grant, that officers were seldom brought to a court-martial for not fighting duels, but he would ask if instances were not well known in which the Sovereign had dispensed with the services of officers for the only reason being that they had been put into Coventry for not fighting a duel? That was the manner in which the case was disposed of, and all who were acquainted with the subject knew it well.

Sir *H. Hardinge* said, the gallant officer, whose conduct in that House was always very fair, had made a statement which quite astonished him, when he declared that the Sovereign of the country was a party indirectly to punishing officers who refused to fight a duel, by telling them that their services were dispensed with. He knew no instances of that description; he had known instances in which quarrels had taken place, in which duels had been fought, and where it was necessary for the harmony of the regiment that certain officers should be removed from it. But he would tell the noble Lord and the gallant officer that if they persisted in pushing the question to this extremity, if they wished to assume that restrictions and restraints were to be imposed on officers of the army to which other members of the community were not to be subject, no legislation of so unjust a character would satisfy the Army. Instead of extirpating the evil of which all complained, he was convinced the noble Lord would aggravate it. All you could do until the general voice of the community agreed with the noble Lord—and he (Sir Henry Hardinge), for his part fully adopted the noble Lord's views, that duelling ought to be put down—all you could do was to modify the evil. When you had done that, the country would go with you. He would say that he did not believe there was more duelling in the army than among other portions of the community. He would instance the noble corps of the Royal Artillery, at Woolwich, in which he believed for a period of twenty years, with sixty or seventy officers sitting down to dinner every day at the mess, not a single duel had occurred. Government were anxious to take every possible step to discourage and suppress the practice of duelling in the Army; and when such unhappy cases as those of Lieutenant Munro and Colonel Fawcett occurred, it was their duty to watch and see whether they could take any course to correct the propensity to have recourse to this mode of adjusting disputes. But as to the noble Lord's statement, he might say he had never heard from any hon. Member of that House remarks which contained a greater portion of exaggeration.

Sir *A. L. Hay* would not enter upon the subject of the pension. There were courts of honour attached to every regiment, to which appeals ought to be made in such cases. Was the stigma to be removed by the person going before a Court-martial, and shielding himself under that court? He denied the fact. The question was beset with difficulties. It was asserted that there were more duels in the army than in civil society. He did not think that such was the case. This was a question which ought not to be taken up lightly. It must not be forgotten that there were connected with this matter circumstances allied with the best interests of the State, upon which it was not so easy to legislate; and it was under these circumstances that he believed the Army might be placed on a different footing, and that duelling might be done away with.

Mr. *Bernal* wished to know whether the subject of duelling was now to be discussed, or whether it was to be postponed until Monday, when his hon. relative had given notice of his intention to submit a Motion to the House. A wide field had been to-night opened by the noble Lord the Member for Sunderland; but if this discussion was not to terminate to-night, it would be better that not one word more should be said about it. The question was one which not merely affected officers in the military service of the country, but it was one which affected the country at large. There were upon the Statute-book laws which pronounced the offence of duelling to be murder; but juries evaded the law, and Judges gave the go-by to it. The subject was much too large to be discussed upon one vote of the Army Estimates. The question of duelling ought, in his judgment, to form a substantive Motion, and ought not to be discussed, on the vote of an amount of money for Widows' Pensions. He hoped, therefore, any further discussion on the question would now be waved.

Dr. *Nicholl* said, that having been appealed to by the noble Lord the Member for Sunderland, he begged to state that in the case mentioned by the noble Lord he (Dr. Nicholl) had found fault with the finding of the Court-martial, because the offence charged was that of not reporting the matter to the Commanding-officer (which was a military offence), and on that ground he, as Judge Advocate, had recommended the proceedings to be revised.

Mr. *P. Borthwick* thought, that as at present advised, it was most unjustifiable to visit upon the widow of Colonel Fawcett the punishment of withholding her pension. That unfortunate lady was the last person in the world who ought to suffer for the faults of others.

Viscount *Howick* briefly replied. He could not but complain of the miserable spirit of personality in which the right hon. and gallant Officer the Secretary-at-War had indulged. The right hon. and gallant Officer had given no answer to the arguments he had submitted to the Committee on the present occasion. The right hon. and gallant Officer had turned to the Mutiny Act and asked him, why, if it was not sufficient to put down duelling, he had not altered it? If the right hon. and gallant Officer thought it right and becoming to raise that question, he (Lord Howick) would at once give his answer. During the time he had the honour to fill the office of Secretary-at-War he had never been called upon to consider the case of the widow of an officer who had fallen in a duel, but if the exercise of that painful discretion had devolved upon him, he would not have advised the suspension of the pension to the widow, unless he had been at the same time prepared to put down duelling in the Army. At present an officer had the alternative of being sent to Coventry or becoming involved in a duel; one course or other ought to be adopted by the Government.

Captain *Bernal* hoped the right hon. and gallant Officer the Secretary at War, would not be tempted to-night to enter upon the discussion of a question of such vast interest. He could not but think that the attack made by the noble Lord upon the right hon. and gallant Officer the Secretary at War was most unfair. He hoped the right hon. and gallant Officer would maintain a judicious silence. The question was one upon which four or five of the oldest and most experienced Members of the House were anxious to declare their sentiments, and as the subject would on Monday regularly come on for discussion, he thought the right hon. and gallant Officer was justified in giving no answer to the attack made upon him by the noble Lord the Member for Sunderland.

Sir *H. Hardinge* observed, that the noble Lord opposite had talked of miserable personalities. Now, he appealed to every hon. Member who heard him, whether the whole amount of his attack upon the noble Lord was not confined to this—that you, who were five years in office, did not rectify errors which you expect those who have been only two years and a quarter in power and authority to have corrected. The noble Lord had exhibited a degree of ill-temper which was not justified by the circumstances.

Lord *J. Manners* entertained a strong conviction, that any attempt to establish a Court of Honour must fail. He was sure that it would be in vain to look to legislation for a remedy for this evil, which could only be put an end to by popular feeling.

Vote agreed to, as were several other Votes.

Supply—Ordnance Estimates.] Captain *Boldero,* in bringing forward the Ordnance Estimates, wished to offer a few words in explanation of the Votes he should propose. The fourth Vote was for the salaries of Barrack-masters at home and abroad. It was a Vote which from its nature could not vary much from year to year, but there was a small diminution this year above the last of 168*l.* That would have been increased to 571*l.*, but for the necessity of sending out a barrack establishment to China. The fifth Vote was for Ordnance works and repairs in the United Kingdom and Colonies, the building and repair of barracks, barrack-masters' expenditure and allowances, and other matters of the like nature, 624,615*l.* He admitted the expenditure was heavy under this head, but the great amount of the Vote arose from circumstances over which the Ordnance

Department had no control. Last summer the West Indies had been visited by a severe earthquake, which had fallen particularly heavy on the island of Antigua, where buildings of every kind had been overthrown, and, among the rest, the Ordnance buildings. Similar circumstances had occurred in the island of Zante, where the military hospital had been destroyed. Then at the Cape of Good Hope a battery, standing on the sea shore, of very great importance, as it commanded Cape Town, had had one flank injured by the sea. Another unfortunate occurrence was the fire at Norwich barracks, one wing of which had been totally destroyed. This was the effect of mere accident; some children had been playing with lucifer matches, and, though it was in the middle of the day, a great part of the building was burnt down before the fire could be put a stop to. During last year, also, the Ordnance powder establishment at Waltham was much injured by an explosion, in consequence of which not only much property was destroyed, but, he regretted to say, seven lives were lost. The expense of adapting three or four houses to the purposes of the establishment had been estimated, and the necessary expenditure, he had ascertained by a visit, would, in all probability, be 8,000*l.* or 10,000*l.* At Chatham, the Medway had undermined a gun-wharf, which would render necessary an outlay of 6,000*l.* or 7,000*l.* Another of the extraordinary circumstances which rendered this vote necessary was the fire at the Tower, which consumed 60,000 square feet of flooring in the armoury there. Then all the military stores in Tooley-street had been removed a few years ago to the Tower, but in consequence of the fire additional storeroom became requisite—the stores could not be classified—they could not be properly preserved—they could not classify—a remedy for the evil was indispensable. It was proposed to pull down the Tower barracks which were in a dilapidated state, and to convert other parts of them into storehouses. On the highest ground within the Tower it was intended to construct barracks with the entire approbation of the Duke of Wellington. There was only one work more of any importance that was proposed for the ensuing year—viz., the construction of barracks in the Isle of France. They paid annually 5,000*l.* to keep those barracks in order. It was intended to convert 4,000*l.* of that sum to this purpose this year, which would reduce the expense of the building to 10,000*l.* The sixth Vote was for Military and Civil Contingencies, and in it was a large reduction of 64,000*l.* on last year's estimate, although an amount of 34,639*l.* had been transferred to the Ordnance by Treasury Minutes in the latter end of last year, which had formerly belonged to the Commissariat Department. On the tenth Vote, for Commissariat Supplies, on which there had been a great reduction, he would say with respect to the case of married officers, who lived out of barracks of their own free will, and not because there was not accommodation for them in the barracks—with regard to whom it had been made a matter of complaint, that they did not receive the same allowances of fuel and light, as those officers did who were obliged to live out of barracks when there was not room for them—that a decision (he was happy to state) had been arrived at which would afford another proof that the Duke of Wellington and the Master General of the Ordnance took an interest in all that was connected with the comfort of the officers in the service. In future no stores of any kind would be delivered without the barracks. It was intended to substitute a commuted allowance, and that all officers, whether their residence without the barracks was forced or voluntary, being married, should be put on the same footing. He would only add, that the reduction in the expense of the Ordnance Department since the present Government had come in was no less than 303,483*l.*

On the first Vote, that 127,043*l.* be granted to Her Majesty to defray the charge for Salaries to the Office of Ordnance,

Dr. *Bowring* regretted that one general rule was not observed in drawing up the Public Estimates. He thought the Colonies ought to pay the expense of their own defence. The Ionian Islands were the only colonies which contributed from their public revenue for this object. He believed that if they put into the hands of the colonists a little more self-government they would be disposed to pay more of their own expenses.

Sir *H. Douglas* said, he appealed for relief from this contribution in favour of an interesting and peculiar people, thrown back at this time of day, by the remarkable vicissitudes in their history, for regeneration, in their social, moral, and political condition, and to whom we had solemnly pledged a peculiar and paternal solicitude. Placed on the confines of civilisation, these interesting

Islands presented a wide and noble field for improvement, when they came under the dominion of a Christian power. But it would ever be considered a stain in the history of Venice, and he must say in that of other Christian States, that whilst the Ionian Islands were used for maritime and military, and even for spiritual purposes, as the bulwarks of Christianity against the Infidels, no monument should have been raised, to commemorate the possession which the Venetian Government so long held, of those Islands, by any act which could show that, with real Christian spirit, they attended paternally to the moral and physical well-being of the people, and the general amelioration of those most interesting Islands. This was a duty which had devolved upon this great country. The glory and honour of our beloved Sovereign, the credit of the Government, the character of the country were at stake. We had under our protecting wing an interesting, a peculiar people, inhabiting a fair and classical region. All the sympathies and associations —classical, historical, ancient and modern, which we imbibed in our youth, and should carry with us to our graves—taught us to regard with deep interest, that peculiar people, whose destinies we hold in trust for good or for evil—for our glory, or to our shame. He should startle the House, shock the country, and wound the character of any British Government, were he to tell of the sacrifices and privations which were endured to enable the Ionian Government to liquidate the fixed tribute which they were bound to pay, and the manner and extent to which the exaction of this bond, retarded amelioration in the general condition of the Ionian Islands. [Lord *Stanley* here said, "It is done.] Done! when done? why was he not told of it? He appealed to the Committee whether he (Sir H. Douglas) having represented the case of the Ionian Islands, as now briefly stated, in 1838 to Lord Glenelg, in 1838 to Lord Normanby, and in 1839, 1840, and 1841, to Lord J. Russell, and in 1842 to his noble Friend the Secretary for the Colonies, Lord Stanley—having, too, on his request, not called for the production of Papers which, by an order of the last session, were forthcoming, he (Sir H. Douglas) appealed to the Committee, whether the noble Lord had treated him either as a supporter of Her Majesty's Government, or as a friend of the noble Lord's, as he ought to have done; and therefore, he (Sir H. Douglas) would go through the case he had in hand, without now heeding what the noble Lord had said. No one who was thoroughly acquainted with the Ionian Islands could, for a moment, doubt that the peculiar circumstances, and anomalous condition of those Islands, and the wants and necessities of the Ionian people, had not been considered as they ought to have been. Those Islands are not, as the hon. and learned Member for Bolton has inadvertently said, colonies. They are placed in a middle state, between the colonial and perfectly free independent state, without having, in some important respects, the advantages of either. Their productions are treated as foreign productions, although their ships are admitted to all the privileges of British vessels. An enormous duty, no less than 19½ per cent. is imposed on the export of those productions, to enable the Ionian Government to meet its obligations. That source of revenue has failed, by the diminution in price from about 74 dollars to about 18 per 1000 lbs., whilst the duty levied on the import of those productions into the United Kingdom, is upwards of 130 per cent on their prime cost. The progress of improvement of every description in the Ionian Islands is vastly retarded, and in some cases thrown back, by the exaction of this bond. The appropriations for public instruction are diminished; the public roads are falling into dilapidation and decay. There is no prison in Corfu; for want of that most essential institution, an old fort is used as a receptacle for offenders, convicts, and criminals of every age and description, without the possibility of classification or discipline. Lunatics were the inmates of prisons, associated with criminals and felons, for want of a lunatic asylum, until he (Sir H. Douglas) converted another old fort into a receptacle for those unhappy beings; and nothing has yet been done, from want of means, to provide a suitable building and establishment, in lieu of those temporary expedients. Every practicable exertion had been made by the Ionian Government to reduce the expenditure, and to increase the revenue, to enable the Ionian States to pay this enormous fixed tribute, and the other charges for British protection. He objected to this, not only in amount, but in principle. It was the worst of all principles to make the governed the debtors of the government. He (Sir H. Douglas) must advert to another sad part of this case. To give effect to an act passed in the time of his predecessor, Lord Nugent, he (Sir H. Douglas) had instituted a poor-house and house-of-industry at Corfu, for the reception of mendicants, so numerous in the Islands, and other destitute persons. That establishment had been abolished, since his (Sir H. Douglas's) departure, although it contained three paupers upwards of ninety years of age, six upwards of eighty, and many other destitute persons, far advanced in life. He (Sir H. Douglas) did not mean to assert, that the noble Lord had expressly ordered this to be done; but he did mean to say, that the instructions to pay up the contribution—to insist upon our bond, were so stringent, as to render this, and other sacrifices necessary. On these grounds, he (Sir H. Douglas) would appeal to the Committee, to the Government, and to the country, for some abatement and mitigation of these rates and terms. He advised and implored Her Majesty's Government to extend relief to the Ionian Islands before it became too late. The present, certainly, were not times of danger, but times of danger might come; and it was, therefore, to be hoped that Ministers would adopt the course he recommended, as likely to prove most creditable to themselves, beneficial to the Ionian Islands, and which would ensure to this country, the everlasting gratitude of the Ionian people.

Mr. *W. Williams* observed, that the Estimates of the present year were less by a sum of 9,000*l.* than those of last year, and that, at least, might be said to form a just ground of congratulation, even small as the amount of the saving was; for 9,000*l.* certainly was but a small sum compared with 1,800,000*l.* He regretted to see that more new barracks were to be built. Thus there was a sum of 117,000*l.* for new barracks at Manchester, and 26,000*l.* for new barracks at Newport, and there were to be new buildings at Liverpool, for the expense of which no sum was mentioned, but of course the buildings would cost something.

Captain *Boldero* said, it had been thought desirable to enlarge certain docks at Liverpool, and that the use of a battery belonging to the Government was found necessary for that purpose. The parties interested in the docks proposed to take the battery from the Government, and build another in lieu of it, and thus the public would not be put to any expense.

Captain *Pechell* said, that as they were upon the subject of barracks, he should mention an outrage which had been committed by certain of the soldiers who were quartered at barracks in the town which he had the honour to represent. He should not say anything about the decision of the Court of Law to which the subject had been submitted, beyond observing, that the parties had been subjected to severe punishment. It would be in the recollection of the House, that when a statement was first made on the matter, it was intimated that the suffering parties would be recompensed by the comrades of the persons who had inflicted this grievous injury upon them. He understood that 50*l.* or 60*l.* would hardly repair the damage which had been done. The poor man who had been attacked had had his goods destroyed—his lodgers would no longer remain with him, and the injuries which he had received disabled him from the performance of his usual duties. It was said that recompense would be made, and that statement no doubt had its weight with the chairman of the Quarter Sessions when sentence was passed upon the parties accused. They had been sentenced to ten months' imprisonment and hard labour—that was a severe sentence, but the crime which they had committed was a great crime, and the parties injured were now severe sufferers. He hoped, that under these circumstances, something would be done for them.

Sir *H. Hardinge* said, that several of the soldiers of the regiment in question had considered the conduct of their comrades in this case highly reprehensible, and had intended to raise a subscription with the view of compensating the injured parties. The attorney who had been employed by those parties had sought for and obtained a remedy by means of the Criminal Law. He pursued that sort of remedy to the utmost extent of the law; and now there was reason to believe, that three of the parties tried, found guilty, and sentenced, had nothing whatever to do with the riot. The House must see that no one could force the regiment to carry out their original intention of setting on foot a subscription.

Mr. *Aglionby* was sorry to hear the right hon. and gallant Member say, that three of the parties were innocent. It was a statement calculated to do much injury. He hoped that neither that nor the conduct of the attorney would have the effect of preventing the soldiers doing what they in the first instance had intended.

Sir *H. Hardinge* replied, that the attorney had conducted himself towards the commanding officer in a very offensive manner, and that his conduct was most improper; but he never meant to say that those circumstances would at all influence the conduct of the regiment towards the parties injured.

Mr. *Aglionby* would thus appeal to the regiment from his place in Parliament on behalf of men who were foreigners, who knew nothing of the laws of this country, and who placed their case in the hands of an attorney, who took proceedings under the Criminal Law. It was his opinion, that the officers, for the sake of the character of the regiment, ought to join in the subscription, and fully compensate the suffering parties.

Vote agreed to, as were several other Votes.

House resumed.

House adjourned at twenty minutes past eleven o'clock.

HOUSE OF LORDS,

Tuesday, March 11, 1844.

MINUTES.] BILLS. *Public.*—1ª. Landlord and Tenant Law Amendment.

Private.—2ª. Schuster's Naturalization.

3ª. and passed:—Marianski's Naturalization.

PETITIONS PRESENTED. By the Earl of Radnor, from Inhabitants of the County of Somerset, in favour of Free Trade.—By the Duke of Buccleugh, from Noblemen and others of the County of Elgin and Forres, and by the Duke of Richmond, from Guildford, Edinburgh, Selkirk, and Roxburghshire, for Agricultural Protection. — By Lord Brougham, from Rev. W. H. Turner, for Exemption from the Ecclesiastical Courts Bill.—By Lord Camoys, from Wigan, complaining of Jury on the State Trials.—From Evesham, against Union of Sees of St. Asaph and Bangor, and in favour of Bishopric at Manchester.

FREE TRADE—CORN LAW AGITATION.] The Earl of *Radnor* rose to present a petition from the county of Somerset, praying for the removal of all duties on the necessaries of life, and that the whole system of the taxation of the country should be placed on a more equable and equitable basis. He had given notice of his intention to present this petition, because he wished to have an opportunity of stating certain circumstances connected with it which he thought were worthy of observation. The petition was agreed to at a meeting presided over by the High Sheriff, and which had been called for by a requisition very numerously signed by freeholders. The meeting, was called for a very different object than that which was the result of it. It was called for the purpose of passing resolutions in favour of what was called protection. That was the avowed object of the meeting. A motion was made in support of legislative protection, considerable discussion took place upon it, and an amendment, embodying Free Trade principles, was submitted. This was put to the meeting, and, as decided by the High Sheriff, it was lost; the original resolution in favour of protection being declared by him to be carried. [Lord *Brougham*: "The High Sheriff had no doubt of it."] On this, parties became dissatisfied, and much altercation ensued. The Sheriff was requested to put the resolution a second time, but he refused to do so. But in consequence of this, when a petition to Parliament, embodying the resolution was brought forward, a petition, embodying Free Trade principles, was also brought forward by way of amendment. This amended petition was carried by a very large majority, and a vote of thanks passed to the Anti-Corn-Law League, and other resolutions, in a similar sense, passed with successively increasing majorities. These were the circumstances, as represented to him. In general, it happened unfortunately that the protectionist party objected to discussion. Their meetings were select and exclusive. This he could speak to from personal experience; for only the other day he went to a meeting called (as the notice said) to discuss this question; but when he got there he received an intimation that it was of a private character, and he consequently withdrew at once. The Anti-Corn-Law League had been accused of sending their emissaries through the country for the purpose of creating discord disunion, and incendiarism. Now, he denied distinctly and emphatically that the Anti-Corn-Law League was at all capable of any such act as that of forming any society that would have such a tendency and he defied any one to show that they had ever, by word or deed, merited such an accusation. [The Duke of *Richmond*: "They denounced the landlords."] At the protection meetings very gross abuse had been uttered against the members of the Anti-Corn-Law League, but they need not mind that, for hard words broke no bones, and he did not know that much harm was done except to those who used them; but he thought the attention of the Government ought to be directed to the language used by some Gentlemen which went beyond the limits of ordinary abuse. Mr. Newdigate, a Member of the House of Commons, had made statements at a meeting in Warwickshire, and had repeated them at a meeting in Uxbridge, to which he thought it necessary to direct such notice. He said,

> "I take this opportunity of repeating what I said in the House of Commons, that, by the conduct of the Anti Corn Law League, that body is extensively implicated in the disturbances which have taken place in the northern part of the county, I said that as a magistrate, and from the knowledge which I obtained as such, and every one who knows me must be aware that I should not have stated it unless I knew it. The Anti Corn Law League is mixed up with the most seditious characters, and their object is to create confusion and discord throughout the land."

That was what was said by the Member for North Warwickshire. Either this was literally and truly a fact, or it was an exaggeration. If it was an exaggeration, it was in his opinion most unjustifiable to be thus holding up people to blame in this sort of way; but if it was a fact, then he should like to know whether this Gentleman had communicated it to the Government, because it would not be measuring out equal justice to punish the poor artizan and operative, and to let the rich go scot free if they were guilty. He knew not whether the object was, as had been hinted, to let them go on, as in Ireland, that they might be tried for conspiracy. If that were the policy he did not much admire it. At a late meeting at Uxbridge, Mr. Newdigate repeated the language he had quoted.

The Duke of *Richmond*: He had used it in the House of Commons, in the presence of the Government and the leaders of the Anti-Corn-Law League, who might have denied it if it was not true.

The Earl of *Radnor* said he did not know whether it had been stated in the presence of the Government, but if it had been in the presence of the leaders of the League, he was confident they would have been able to contradict it. Accusations of a similar kind had been made by a noble Lord, a Member of that House (the Earl of Harewood) at a meeting in Yorkshire. He had informed that noble Lord of his intention to bring this subject forward, and had his acknowledgment of the receipt of his letter; so that if the noble Lord was not now present he (Lord Radnor) was not to be blamed for his absence. The noble Lord accused the Anti-Corn-Law League of incendiarism. He said,

> "There are other views in the Anti-Corn-Law Agitation than meet the public eye. What happened the other day to a farmer in Lincolnshire or Norfolk, I forget which. He attended a meeting and openly stated his opinions against the Anti-Corn-Law League, which every man has a right to do, when his stacks and his crops were burnt that night. No man in his senses can doubt the intention of the Anti-Corn-Law League."

Thus, although he did not state it in direct terms, the noble Lord raised an inference that the Anti-Corn-Law League had instigated an act of incendiarism. Was it right that such serious accusations as these should be lightly made? A clergyman, at a meeting at Stamford, and another at Northampton, made similar accusations. Now, he repeated, that although there might be foolish persons on both sides, the leaders of the Anti-Corn-Law League were as incapable as the noble Lord and the Gentleman to whom he had referred of inciting to the commission of crime, and he ventured to say that all the arguments used by the protection Gentlemen were much more likely to excite the burning of stacks than any used by the Anti-Corn-Law League. That body endeavoured to make corn plentiful and cheap, but the protectionists told the people that they would be better for corn being dear, and the labourers were thus encouraged to diminish the quantity of corn in order to produce that dearness which they were told was beneficial to them. They had quite acuteness enough and sufficient knowledge of political economy to know, that to make corn scarce was to make it dear; and this is what they were told was good for them. He thought it was lamentable that it should be propounded at pro-Corn-Law meetings that Free Trade was a delusion, and that a noble Duke opposite, a Member of the Government should have become a member or a subscriber to that association. [The Duke of *Buccleuch*: You are quite mistaken.] He was glad to hear that. It had been stated that the noble Duke had subscribed 100*l.* to one of those institutions: and he was now glad to hear that it was not true. However, it was lamentable that persons of high rank should go about the country stating that Free Trade was a delusion, and persuading unfortunate artizans, such as those from whom a memorial would be presented on a future occasion, that their sufferings arose from Free Trade. It appeared to him that the Government ought to pronounce distinctly its opinion on Free Trade, and to follow out its own principles truly and honestly. The noble Lord concluded by presenting the petition.

Lord *Portman* begged leave, as connected with the county of Somerset, to make a few remarks on this petition. He thought there would be no difference between his noble Friend and himself as to the fact that the petition was carried by a majority of the persons present at the time when the question was put, nor would there be any dispute between them as to the resolution directly contradictory having been carried subsequently, and that the petition was then agreed to which had now been presented by the noble Earl. He was quite sure the noble Earl's brother, the High Sheriff, had exercised his judgment in the purest manner, and was convinced that in each case he was right in his decision, and he had not since stated that he was shaken in his decision as to the first resolution. But the noble Earl asked how, then, was it that the first petition was carried by a large majority, and that the subsequent petition had also been carried? The fact was, the party of the Anti-Corn-Law League were better organized than the opposite party. The farmers had conceived they had done all that was required of them by holding up their hands for the original Motion, and they found it by no means convenient to stand the hustling and jostling—he wished to use no stronger terms—which it was found desirable to practise in order to get those in front of the High Sheriff who had not been there before, and many retired, conceiving, as they had every reason to do, that there would be no further proceedings taken. The petition might certainly be received as the petition of the High Sheriff presiding at a meeting of 3,000 persons out of a population of half a million; and such a petition, coming from a great county like Somerset, could only be considered as the petition of the majority of those present at the time, but by no means as conveying the sense of that great county, containing, as it did nearly half a million of inhabitants, and 80,000 houses, and more than a million of acres of land. It was clear that the opinions expressed in the petition were not the opinions of the farmers, because they had formed themselves into societies in various parts of the counties, and were about to express their opinions, as the inhabitants of the towns did, in their own way. It was true the meeting was an open meeting, that it was open to the whole world, and that the whole country might have been there if they had chosen; but he dared say that the same reason had kept others away as had deterred him from attending it, namely, that they were not satisfied that the landed interest was in the hands of those who were most likely to protect it; or, on the other hand, that the cause of free-trade was intrusted to those who were best calculated to promote its success. He (Lord Portman) still adhered to a fixed duty, and therefore, he had all along abstained from taking part in the proceedings of either the Anti-Corn-League or the Anti-League Associations. For, on the one hand, he thought it dangerous to carry, by a legislative enactment, the total, immediate, and unconditional repeal of the Corn Laws; and, on the other hand, he thought it equally dangerous to affirm that the present sliding-scale should not be interfered with, because it was at one end a system of prohibition. Under these circumstances, he was a sort of amphibious animal, between the two parties, and could take part with neither, and perhaps would not be respected by either. He hoped, however yet to see the day when both would be disposed to meet upon his view of the question.

Lord *Brougham* begged to say a few words in explanation of the grounds upon which he had said, that the noble Earl's brother, the High Sheriff of Somersetshire, had no doubt that the first resolution had been carried. He (Lord Brougham) had been waited upon last Friday by a respectable farmer of that county, bringing him a letter from an hon. Baronet who had taken part in the proceedings of the meeting, and who was very anxious that he should state what had actually taken place, because very inaccurate accounts had gone forth. It was very well known that he (Lord Brougham) was against the Corn Law, and that if he had been at the meeting in question he should have voted against protection; but there was a wish that he should state what had passed, and a paper was put in his hand which was stated to be an accurate account of what had taken place. Here, then, was the accurate version of the whole proceedings:—"The High Sheriff in the first instance decided in favour of the League, and against those who had called the meeting; on the question, whether the Amendment should be put first, he most properly decided in favour of the Amendment being first put. He then called for a show of hands, upon which he declared the original resolution carried. This decision was objected to by some, saying that the resolution was not carried, whereupon the hon. Mr. Bouverie, the High Sheriff, said, he had endeavoured to act justly and impartially" (and those who knew him so long and so intimately as he (Lord Brougham) had done, knew that no man was more likely to act justly and impartially); "he had carried his eye over the whole of the assemblage, and observed that double hands were held up for the Amendment; he had decided to the best of his judgment, and he would not alter his decision." Nor would any reasonable man doubt that the High Sheriff had no hesitation in his mind as to the show of hands having been in favour of the original resolution, because if he had entertained any doubt he would have called for a second division to clear up the point. Now a number of the people went away, and then this petition was carried by a majority of those who remained. This was a mode of proceeding, he believed, peculiar to the county of Somerset, and certainly it would be a very inconvenient practice to adopt in Parliament, because the result would be, that his noble Friend behind him would move an Address to the Crown, and then his noble Friend on the cross Bench would move a resolution negativing that proposition, and then his noble Friend on the Woolsack would declare the original Motion to be carried, and then his noble Friends behind him would leave the House and go to their dinner, and other noble Lords would have the matter in their own hands, and would carry their Amendment; so that both the opposite Motions would alike be carried. But this was what had been done in Somersetshire. At one and the same meeting, held on one and the same day—indeed, immediately after the former Resolution—another resolution was adopted directly contradictory of it. If this was the result of conviction, its operation must have been very rapid. The force of truth was very great; indeed, it was said, that it always would prevail; but if it had prevailed in this case, it must have acted with greater rapidity than he should have expected. No speeches were made to induce the assembly to alter their opinions; but, notwithstanding, there was a greater majority in favour of the Amendment than that which had carried the original resolution. Whether this was owing to conviction or absenteeism he did not undertake to say. He was sure nothing could be more untrue than what was said by an old Sergeant-at-law upon the Western Circuit—"that the further he went to the west the more he was convinced the more that the wise men came from the east." His noble Friend near him (Lord Portman), if he had been at the meeting, could have told the House whether the meeting was a respectable one or not. He (Lord Brougham) knew nothing about it, but he differed from his noble Friend as to the value he set upon the number of persons attending a meeting. He had been at meetings in Yorkshire and Cumberland, and other counties, at which he could rely upon 3,000 or 4,000 persons, out of a population of 200,000 or 300,000, representing the opinions of the inhabitants more correctly than if an unwieldy number were present. 3,000 or 4,000 people could discuss a question; but an assemblage of 30,000 or 40,000 was incapable of discussion. His noble Friend said, that he should receive the esteem of no one because he held amphibious opinions. From that remark, he (Lord Brougham) must be excepted. He thought his noble Friend had acted very wisely in not going to the meeting, if he thought it would not be well ordered. His noble Friend had said, that very reprehensible abuse had been uttered against the Anti-Corn-Law League, and had given samples of it, which certainly were deserving of severe reprehension. He could not help feeling—he would not say disgust—but concern, when he found persons using language charging any portion of their fellow-subjects with exciting others to capital crimes, such as incendiarism, and representing the advocacy of that great question of Free Trade, (which was now advancing more rapidly the more it was considered) as calculated to produce every species of misery in the country. He very much regretted these exaggerations, but unfortunately they were not confined to one side. When people were in controversy, they would indulge in such violence. He would refer to language used not by a farmer, not by a tradesman or an artizan, but by a lecturer—one who had gone about lecturing in favour of the League, and who asked his auditory how they could expect anything from the "Iron Duke" (meaning his noble Friend opposite—the Duke of Wellington), who had gone on butchering men, women, and children for two or three days together at the siege of Salamanca. Now, it would be seen that no such thing could by any possibility have taken place, seeing that there had been no such thing as a siege of Salamanca, even if the politic as well as humane nature of his noble Friend could have sanctioned such a thing. He differed from the opinions of those who suffered a continuance of the Corn Laws; but God forbid that, because he did, he was to look upon the landowners who supported them as murderers; yet he constantly saw murder charged against them; nor did he think they were guilty of blasphemy, although that also had been charged against them. It had been said that they were guilty of blasphemy every time they uttered that petition of the Lord's Prayer, "Give us this day our daily bread;" and, indeed, a charge of that nature had been made in the House of Commons, for it was not by any means confined to the vulgar. There had been gross exaggeration and misstatement at both sides; and whilst he regretted it, he should say he particularly regretted that they should have been found on the right side, for he should much rather have seen them brought to the assistance of the wrong side of the question. He was opposed to the use of such detestable exaggerations, and he believed that nothing could be more ruinous to any cause than to have it supported by such means.

The Earl of *Radnor* explained. He did not say, that the High Sheriff had no doubt about the Motion at the meeting to which he alluded.

The Duke of *Wellington* said, that, in consequence of what had fallen from the noble Earl and his noble and learned Friend, he felt it necessary to address a few observations to their Lordships. A number of respectable gentlemen in Somersetshire, a county with which he had some relations, had written to him a statement which corroborated the account that had been given with respect to what had taken place at the conclusion of the meeting. At the meeting, the Resolution, as originally proposed, was declared to have been carried, and at a subsequent period an amendment and a petition were also moved, both having been carried by a considerable majority on a division. The gentleman who had communicated with him (the Duke of Wellington), stated in the strongest manner that the majority which carried that amendment and petition were composed not of the same persons who had composed the meeting in the first instance, but of persons who were brought in subsequently —persons who did not belong to the class who ought to have decided such a question. The letter to which he alluded was signed by gentlemen of the highest respectability, and one of them was recently one of the Members for the county, and he thought it his duty to make that statement to their Lordships. With respect to the question which had been put by the noble Earl in reference to a speech made by an hon. Member of the House of Commons in Warwickshire, he could assure him that he had never heard of it till that moment. If the noble Earl had been kind enough to announce his intention of putting a question on that or any other subject, he would have been prepared to have given him all the information in his power. With respect to the abuse which had been directed at these meetings towards those who belonged to the Anti-Corn Law League, and by these towards their opponents, which language his noble and learned Friend had deservedly reprobated, he would remind the noble Earl opposite that they were all subject to such abuse—they had all been abused, it was their fate, they could not avoid it, and they must bear it as well as they could. He could only recommend the noble Earl to bear that abuse with the same tranquillity which those who sat opposite him (the Earl of Radnor) had displayed, in bearing what had been said of them. He had not changed the opinions which he entertained on the question which was the subject of the petition brought under consideration that night. He voted for the existing Corn Law, and he earnestly recommended to their Lordships to leave that Corn Law as it was, and to continue to maintain the system which it was the object of the Corn Law to carry into effect.

The Duke of *Richmond* said, the Anti-Corn-Law League had, for the last two or three years, been going about the country abusing everybody who did not agree with them in opinion; and although he would not impute motives to those who composed that League, who were not here to defend themselves, yet he had a right to remark on the effects which their proceedings had led to; and he had a right to remark, when they stated things which had since proved not to be true; they declared over and over again that the farmers were in favour of free-trade, and that they looked upon the question of free-trade in corn not to be a tenant's question, but a question which only affected the landlords. The tenant farmers were independent men, and they were not disposed to lie passive under the charges which were made against them by the Anti-Corn-Law League, and accordingly they aroused themselves, as they had an undoubted right to do, they called meetings in every part of the country for their own protection, and to petition Parliament: they formed societies for their own protection; societies not got up for the purpose of offending against the law, but solely for their own defence; the noble Earl complained that a Member of Parliament had attended one of those meetings and made a speech, to which the noble Earl objected. How liberal his noble Friend was in that respect! Would he seek to prevent a Member of Parliament from expressing his opinions on a public question in the House of Commons, and from repeating those opinions afterwards to his constituents or others at a public meeting? If that hon. Gentleman made the statement the noble Earl had alluded to, he had no doubt he believed it to be true; for he knew him to be a most honourable man. Let it not be supposed by any of those who advocated free-trade, that the farmers of England would allow themselves longer to be treated as they had been. They had aroused themselves — and rigthly aroused themselves—to the necessity of uniting in their own defence. He would not say that the object of the Anti-Corn-Law League was to excite the people to those acts which had been described; but he would say that the members of that body made speeches of an inflammatory nature and tendency—he should not have joined the Society for the Protection of Agriculture, if it had not been for the Anti-Corn-Law League. He would not impute motives to the members of the Anti-Corn-Law League; but if any one looked to their language from beginning to end, he would find that it had been violent, improper, and vulgar to the last degree. His noble Friend (the Earl of Radnor), in describing the proceedings of the Society for the Protection of Agriculture, stated that it was said at those meetings that free-trade was a delusion. Now, would his noble Friend say, that any Members of a society were not at liberty to express their opinions upon public questions, and if they thought free-trade a delusion, that they had not a perfect right to say so? His noble Friend might believe, that in the views which they took of the subject they were in error, but if they thought that the opposite opinions were fallacious, had they not a perfect right to expose the fallacy of the views which the Anti-Corn Law League were spreading by all the means in their power? He was delighted at the observations which his noble Friend made on the subject of the Societies for the Protection of Agriculture, for the opposition of the Anti-Corn Law League to such societies showed that they were doing good already, and that they would be productive of great advantage. That was important; and he would recommend the farmers of this country to remember it, for they would not have had the discussion of that night if it were not for the Protection Societies. He would recommend them to persevere in the course which they had commenced, and not to allow wild theories of free-trade to carry them away, whether they were advanced by Peers, by Members of Parliament, or by members of the Anti-Corn Law League. He hoped they would continue in the course they had adopted, and that they would not allow themselves to be prevented from boldly stating their opinions on all political or public matters. He believed, if they inquired about the petition, it would not be found to be the petition of the owners and occupiers of land in the county of Somerset. He believed that the landowners and the occupiers of land would be anxious to be relieved from the disgrace which would attach to them if it were generally believed that such a petition emanated from so respectable a body of men. He would ask his noble Friend, had not the emissaries of the Anti-Corn Law League organised their opposition to the meeting, had it not been well organised, did not the emissaries of that League go to Bridgwater before the day of the meeting, and make preparations for their proceedings; did they not hire vans to bring persons to the meeting, and pay men to go there and make a "row," in order to prevent the farmers from expressing their opinions? But they were not to be so beaten, and they stayed so long as they thought necessary to carry their own resolution, and then the Anti-Corn-Law League men, thinking it necessary to show that the money which had been expended, and the music that had been prepared, had not been thrown away, brought their hired bands up to carry their own opinions, and adopt this petition. They were right in giving their opinions; he did not object to the expression of them, but he thought that opinions were of more importance when they were not bought, always excepting opinions procured from members of the learned profession of the law.

Lord *Beaumont* said, that the impression on his mind and upon, he believed the minds of those at the meeting was, that in the speech which alluded to the effect of the proceedings of the Anti-Corn-Law League there was no intention of accusing the Anti-Corn-Law League of a design to cause incendiary fires. What he understood from that speech of the noble Lord was, that although the motives of the Anti-Corn-Law League might be good, yet the exciting speeches addressed to the labourers were calculated to produce the effect of making persons of that class believe that the farmers were their enemies, and possibly might in some instances, produce other effects; but he felt convinced that there was no intention of charging the Anti-Corn-law League with a desire to cause incendiary fires. With respect to the assertion that there was no such thing as a free meeting in favour of agricultural protection, he would ask, had not the meetings at York and Thirsk been free meetings? He (Lord Beaumont) re-echoed the condemnation of the harsh language that had been used in the discussion of the question of the Corn Laws. He wished that both sides would avoid the use of such language, and discuss the question with coolness, as one of great political importance, and one which ought to be decided by argument alone, and could not be advanced by virulence or by personal attacks. If he heard correctly the words of the petition which had been presented to their Lordships, it stated that the petitioners were desirous for the removal of all protection to English industry. It pleased him to hear that statement, for it showed clearly the views which they entertained, so that now all interests in the country could see the objects of the free traders, and thus the watchmakers, the shoemakers, and all our artisans, would be attacked by being exposed to the competition of foreign artizans. If the Anti-Corn-Law League were enabled to carry their views into effect, our artizans would be exposed to the competition of foreign mechanics as well as the agriculturists would be exposed to the competition of corn from Poland and America. What, he would ask, had been the effect produced on America by the boon which the Bill of last year, on the subject of Canada corn had given? American wheat, ground into flour in Canada, would be allowed to come in at 4*s*. by the Bill of last year, and had the Americans given any facilities to our manufactures in return? No; the duty in America on most articles of Birmingham manufacture was still about 200 per cent. *ad valorem*, so that it would not appear that Birmingham could expect much benefit from the abolition of protection. That was an example of the effects which they might expect from carrying those principles out fully.

The Earl of *Radnor* said, the noble Duke (the Duke of Richmond) appeared to accuse him of entertaining an objection to the expression of their opinions on the part of those who were opposed to him in their views on the subject of the Corn Laws. Now he did not object to any one for expressing his opinions; but, on the contrary, he had a very great objection to one-sided meetings, which he did not consider favourable to the formation of correct ideas. The effect of those one-sided meetings was to encourage those who attended them to persevere in their views, without seeing both sides of the question. At York, for instance, one of the resolutions was to the effect, that the "modified protection" to British agriculture, which was given by the existing law was agreed to after long deliberation, and after a distinct appeal to the people at a general election on the Corn Law and the Tariff. Now, he (the Earl of Radnor) could not agree to the statement which that resolution contained, for there was no such appeal to the people as it mentioned at the general election, and they were taken by surprise on the subject of the Corn Law and the Tariff. The fact was, that at such meetings gentlemen all of one view meet together and there was usually no one present to contradict the opinions which they expressed. He was not displeased at meetings being held by those who were in favour of the Corn Laws, he was not displeased at anything which produced discussion on the subject, and the Members of the Anti-Corn Law League, so far from opposing discussion, absolutely entreated it. There were many meetings which had been held throughout the country, and described as meetings of tenant farmers, but he had doubts as to their being comprised solely of tenant farmers, and he should also doubt the statements which had been made to the effect that all the tenant farmers were averse to free trade. The Corn Laws were injurious, and that opinion was gaining ground every day both in this country and America, as a letter lately written by Mr. Calhoun went to prove. For the last twenty years we had been progressing towards free-trade, and adopting free-trade principles. Now, if these principles were wrong, the proper course would be to go back—to retrace our steps. But, on the contrary, the highest authorities and most distinguished Members of the present Government had declared the principles of free-trade to be the principles of common sense. Nothing could be more mischievous than to stop short where we now where. He (Lord Radnor) wished for nothing more than that the supporters of the Corn Laws would really allow discussion, but they did not permit it at their meetings.—Petition to lie on the Table.

PROTECTION TO AGRICULTURE.] The Duke of *Richmond* rose to present a petition in favour of Protection to Agriculture, which was adopted at a public meeting held at Guildford, called in pursuance of a requisition signed by 150 tenant farmers, agricultural labourers, and others interested in agriculture. A good deal had been said about the meetings in favour of protection to agriculture all consisting of those who were of one opinion, and not admitting discussion of the question. The answer to this complaint was—Bridgewater. Hired ruffians, called bludgeon-men, came to the Bridgewater Protection Meeting to make a row and disturb the proceedings. But did the free-traders allow discussion at the late Meeting in Birmingham? Not a single person was admitted to the Meeting without a ticket. They said the Chartists would come and interrupt. Here it was. He would tell the noble Earl, that the League, with Bright, Cobden, and its whole crew, would not dare to hold a public Free Trade Meeting in Birmingham, a meeting to which admission could be procured without tickets, for they knew the Chartists would attend and obstruct their proceedings. He was surprised, after all that had taken place, that any doubt could exist of the farmers being almost to a man hostile to the delusions of free-trade. He now presented a petition from tenant farmers and others engaged in agriculture, in favour of protection to agriculture.

The Earl of *Radnor* did entertain doubts on that subject. With respect to the statement that payment was given to persons who attended the Meeting at Bridgewater, he would state that no such payment had been given.

Petition to lie on the Table.

PRIVY COUNCIL APPELLATE JURISDICTION ACT AMENDMENT BILL.] Lord *Brougham* moved the nomination of the Select Committee on this Bill, pursuant to notice. He was rather astonished to hear, if indeed he could after living so long be astonished at anything, that the motive assigned to him for his bringing in this Bill instead of the Government was, that he wanted to make a place for himself. He, however, ought not to be astonished at this assertion, considering the numerous race it belonged, is a story engendered by Malice and her bastard sister Falsehood —begotten both by the father of lies upon the weakness of human nature. He believed that all of their Lordships had formed some passing acquaintance with that family, not excepting the noble Duke opposite, and the noble Earl (Earl Radnor) behind him, than whom he believed none cared less for such things. In this case the story lost nothing from the coincidence of there being a creation of places as well as a Bill; but one could not help feeling that the person who put forth the story ought to have reflected that anything more absurd could not have been devised by the wit of man. It was a perfectly notorious fact, that he (Lord Brougham) had refused such an offer three times over, and when his noble and learned Friend on the Woolsack, and another noble Friend pressed him to it, and when, if he consented, the Bill would have been brought in with all the weight of Government, he refused it. This had been more than once stated in this House by his noble and learned Friend himself. Now, if at his time of life, he were afflicted with the vice of old age, avarice (and he believed those who knew him, would admit that he had not indicated it before), he might have accepted that offer at a former period, when the Bill would have been brought in with the weight of Government; but at that period he refused it, and he refused it on these grounds, that he did not then see the necessity for it; he at that time had not lived to see the necessity which now existed for such a Bill—he had not lived to see such an increase in the business brought before the Judicial Committee of the Privy Council—he had not seen the great necessity which now existed for further judicial help, and that arose from no fault of his noble and learned Friends in that House. His noble and learned Friend on the Woolsack laboured as hard in the discharge of his duties in the Court of Chancery and in that House as any one could, and his noble and learned Friend behind him (Lord Campbell) had constantly attended since he obtained a seat in that House—they sat four days in the week for six hours a day, and no kind of blame attached to the House or to any individual of it; but when he saw the great arrears of business, and when he also saw a continual increase of business, he felt that four days in the week would not do. The question then was, why did he bring in the Bill? He brought it in for an obvious reason—he originated it—it was his Bill—he brought in the Bill relating to the Judicial Committee, and he introduced provisions relating to the Patent jurisdiction, but he had not taken any further steps until he felt it his duty to improve what had become a defect in the constitution of the Court. The noble and learned Lord concluded with nominating the Committee.

The *Lord Chancellor* repeated the suggestion he had formerly made, that the Bill should be divided into two parts.

Lord *Brougham* concurred in the suggestion.

NEW HOUSES OF PARLIAMENT.] In answer to Lord Brougham,

Lord *Wharncliffe* stated, that the walls of the new House of Lords had been raised twenty-five feet, and the House would be covered in in the course of two months. The House of Commons had been raised only nine feet. The architect would undertake to say that their Lordships' House might be ready for them next Session, if they would be contented with temporary fittings.

Lord *Brougham* thought that very little outlay would be needed, and he was sure the House of Commons would give the money.

Lord *Sudeley* was quite satisfied if the architect had really felt an inclination to meet the wishes of their Lordships, they might have been in their new House, perfectly and permanently fitted-up by the next Session, and before the next Session. As it was, the temporary fittings could not be supplied without very considerable expense. He thought it highly desirable that all their Lordships' House should have a full opportunity of seeing, not only what the architect's general arrangements as to the interior were, but what the details were, and what the materials, while it was yet time to suggest alterations. He had himself seen the model, and understood, he believed, pretty accurately what the arrangement was, and what the principal details were; nothing could be more simple, and he saw no reason why the building should not be rapidly completed, at all events for all practical purposes. He conceived it would be a good plan to revive the Committee on the subject, to whom the architect might explain what his final plans were.

The Marquess of *Clanricarde* moved the re-appointment of the Committee, with the addition to its Members of Lord Campbell.

Re-appointment of the Committee agreed to.

THE REV. HERBERT MARSH.] Lord *Lilford* wished to call the attention of the right rev. Prelate whom he saw in his place to some remarks which had appeared in the newspapers upon the subject of the rev. Herbert Marsh and to ask whether that person was still permitted to perform his clerical duties?

The Bishop of *Peterborough* said, that no person was more proper to put such a question than the noble Lord, who, it was well known took such a deep interest in the cause of religion, and who rendered the greatest services to it in the diocese in which the noble Lord lived, and of which he had charge. He had read the letter referred to with great pain. It accused him of conniving at the continued performance of his clerical duties by a person who had inflicted deep disgrace on his holy calling; it imputed to him that he still permitted to perform the offices of the Church, to administer the holy Sacrament, a person who had been guilty of offences which in another person, not screened, it was said, as the rev. Herbert Marsh was, by high rank and connections, would have been visited with condign punishment. It was stated that no notice had been taken of the matter by the Bishop until a short time before the trial which had just taken place. Now the first word he had heard about this grievous transaction was in September last, at which time the rev. Gentleman, who lived about nine miles from Peterborough, had just completed his residence as canon in that city. As soon as he got home, after hearing of the matter, he communicated with the rev. gentleman's friends; but he immediately found that there were great difficulties in the case —it was not he who objected to proceed; it was the law which interfered. Their Lordships would recollect, that there was no method by which a Bishop could proceed in such matters now, except under the Church Discipline Act; and that Act did not allow him to take any cognizance of a case which had occurred more than two years back. In this case the offence had been committed four years before it came within his knowledge. All that he then knew was (for the other circumstances did not come out until the trial)—that a criminal connection had taken place between the parties, but it was said that this had taken place at Paris. There was, however, another clause in the Church Discipline Bill, by which the Bishop was only allowed to take notice of crimes or offences committed by a clergyman in his own diocese. So far from there being any selfish inducement on his part to pursue the line of conduct which he did, the living, which was a valuable one, was in his own patronage, and he could find many most excellent and exemplary clergymen in his diocese to whom it would be most acceptable. On that ground, therefore, he could not have any object in screening this rev. Gentleman. The fact was, that he was prevented proceeding in this case in consequence of a defect in the law. He, however, had distinctly told the friends of this person that they must take care not to let him take upon himself any clerical duties in the diocese, and he distinctly stated at first that he could not bear to think of having him do any duty until his innocence of this crime had been proved and made manifest. Mr. Marsh had for a long time kept a curate in his parish, and was frequently absent from his living, residing sometimes at Peterborough and sometimes in this great metropolis; but since the time at which the charge had been brought against this reverend offender, he had not, to his knowledge, done any duty in the parish, which had been entirely performed by the curate. He hoped, therefore, that he had satisfied noble Lords that he was not open to the charge which had been brought against him.

Lord *Lilford* said, that all who were acquainted with his right rev. Friend were well aware that the suggestion in the newspaper was without foundation, and he was sure that his right rev. Friend only wished to have an opportunity to contradict the statement.

House adjourned.

HOUSE OF COMMONS,

Monday, March 11, 1844.

MINUTES.] BILLS. *Private.*—1°. Brighton, Lewes, and Hastings Railway.
2°. Padstow Harbour; Midland Railways Consolidation.

REDUCTION OF THE THREE-AND-A-HALF PER CENT. STOCKS.] The Report of the Committee on the Three Per Cent. Annuities Acts was brought up.

On the Question that the Resolutions be read a second time,

Mr. *Hume* said, as he was not present when the Chancellor of the Exchequer brought the subject of the Three-and-a-half per cents. under the consideration of the House, he would take that opportunity of saying a few words. He considered the statement and proposition of the right hon. Gentleman as perfectly fair; and, as his plan would effect a very considerable saving to the public, the public had a right to expect a proportionate diminution of taxation. He took it for granted, therefore, that after next year we should not hear any more of the Income Tax. He hoped that our establishment, which had for too long a time been kept up as a War Establishment, would soon be reduced to one of peace, and that every possible reduction would be made in it. He would not offer any obstruction to the Measure before the House, and would only add, that if the Government did not adopt a system of reduction, they would act in a manner most unsatisfactory to the country.

Resolutions read and agreed to.

Bill to be brought in to carry the Resolutions into effect. Mr. Speaker forthwith to give notice, that the "Three Pounds Ten Shillings per Centum Annuities, 1818," payable at the Bank of England, which were created by an Act passed in the fifty-eighth year of the reign of his late Majesty King George the Third, will be redeemed and paid off.

SUPPLY.—DUELLING.] The Report of the Committee of Supply was brought up, and several Resolutions were agreed to.

On the Resolution granting a sum for defraying the charge of Widows' Pensions, and the question that the House agreed on the said Resolution,

Captain *Bernal* rose pursuant to notice to move for a copy of any letter or correspondence which had passed between the Secretary at War and the widow of the late Lieutenant Colonel David Lynar Fawcett, C.B., relative to the withholding of her Pension. Before doing so, he said he wished to return thanks to the right hon. and gallant Gentleman the Secretary at War for the prompt courtesy and kindness with which he had received his request on a late occasion, and at the same time to express a hope, that however the subject which he was about to bring before the House might suffer from being committed to his hands, when there were so many more able and experienced Members on either side of the House, it would at least be discussed in that spirit of good temper and moderation which, more than any other, it pre-eminently demanded. It would first be his duty to recall to the attention of the House the question put on a former evening by the hon. Member for Truro, to the right hon. Baronet the First Lord of the Treasury. The House would no doubt very forcibly remember that the right hon. Gentleman on that occasion took credit to his Government for having (to use the right hon. Baronet's own words) "exerted their legitimate influence, as far as they could, against the practice of Duelling by refusing a pension to the widow of an officer of great military reputation, who had distinguished himself in the service of his country, but who had unfortunately fallen in a duel." He begged also to remark, that the right hon. Baronet in making that declaration, had urged no special circumstances as affording ground for refusing this particular Pension; the credit he claimed for the Government was simply discouraging duelling. ["*No, no.*"] If he was misstating, the right hon. Gentleman would, no doubt, set him right. When he heard this volunteer declaration of the right hon. Baronet, he felt astonished, not so much on account of the manifest injustice of the act itself, as on account of the credit that was taken for its performance. On further inquiry, he was still more astonished to learn that precedents were adduced in support of this mode of proceeding. He had himself made a close and diligent search, and he had not been successful in a single instance in finding a precedent. It was true that in the year 1817, when the noble Lord the Member for Tiverton was Secretary at War, an instance occurred of the refusal of a Pension to the widow of an officer who committed suicide; but he would leave it to the House to decide whether any analogy existed between that case and the one he was now bringing before them. It was not his intention, on the present occasion, to raise the question of Duelling generally. Where a majority of the Members of that House were so ready to follow in the footsteps of Pitt and Fox in at least one respect—that of the appeal to the duel—it was not likely that such a question could be discussed with any hope of a satisfactory result. Therefore, if he might advise his hon. Friend (Mr. Turner) who had a notice on the paper on the subject of duelling for Thursday next, he would say, that he would pursue a prudent course if he were to withdraw his notice, and, turning his attention more to the details of the subject, endeavour to bring in a Bill by which the relations of a deceased in a duel might come on the survivor for compensation. This he believed was the law of France, and in Scotland the same law existed under the technical name of "assythment." By adopting this course the hon. Member might effect a practical good with respect to Duelling, which no mere general resolution would ever bring about. The right hon. and gallant Officer had told the House the other night, that by a clause in the Mutiny Act any officer sending or conveying a challenge to another would be liable to a court-martial, and to be cashiered if convicted. [The hon. Member here read the terms of the clause in question, which were to the effect that the officer "giving, sending, conveying, or promoting" a challenge, should be liable to be cashiered on conviction by a court-martial, or suffer such other punishment according to the nature of the offence as the judgment of the court-martial might award.] Now, he took upon himself to say, that this clause was now entirely a dead letter; and as far as regarded his own experience of the Army, he could say that no officers in an ordinary case would refuse a challenge, and that he had not known of any instance of either the conveyer or promoter of a challenge having been brought before a court-martial. There was, he believed, one instance of an officer having in the year 1824 been deprived of his half-pay for having fought a duel. That was the case of Ensign Battier; but his offence was not so much fighting a duel as fighting his superior officer, and in a General Order, issued that year from the Horse Guards the noble Marquess who was his antagonist was blamed for fighting a duel with his inferior officer. The clause referred to by the right hon. and gallant Gentleman was practically therefore a dead letter. It was impossible for an officer now to submit to insult without sending a challenge; and he (Captain Bernal) held in his hand a very remarkable document which was at once conclusive on the subject. It was a letter written by an individual possessing the very highest military reputation—of the highest character in every sense of the word, and in it the writer said:—

> "Is a Gentleman who happens to be the King's Minister to submit to be insulted by any Gentleman who thinks proper to attribute to him disgraceful or criminal motives for his conduct as an individual? I cannot doubt of the decision which I ought to make on this question. Your Lordship is alone responsible for the consequences. I now call upon your Lordship to give me that satisfaction for your conduct which a Gentleman has a right to require, and which a Gentleman never refuses to give."

That letter was signed "Wellington." It was needless for him to remind the House that that noble and distinguished individual now held the command at the Horse Guards. Nor was it perhaps necessary to remind them that the Gentleman who conveyed that letter now ably filled the office of Secretary at War. And yet, with such acts, by such high authorities before them, they were told of the exertion of legitimate influence to discourage Duelling, and there was a boast of depriving an unfortunate widow of her pension, the widow too of a man who probably thought that in sending a challenge he was "making that request which no gentleman would refuse to accede to, and which every gentleman ought to make." He refrained from referring to other painful cases where fatal consequences had ensued, not from the absence of examples, but from the consideration of the feelings of the parties concerned. The right hon. and gallant Gentleman would immediately recognize the case of a distinguished Officer, now a Major of a cavalry regiment in India, who had been concerned in a duel which unfortunately proved fatal. The right hon. and gallant Officer had said the other night that there was no instance of an officer being cashiered for not fighting a duel. He (Captain Bernal) was not aware whether an officer had ever been cashiered, but in 1818 there was an instance (he refrained for obvious reasons from mentioning names) of a Lieutenant Colonel in the Royal Marines being tried by a court-martial "for neglecting to demand the honourable adjustment of a quarrel." And very recently an ensign in the 1st Bombay European Regiment was tried for conduct unbecoming an officer, because he had received a blow without resorting to those means of redress which were open to him. He was sentenced to be deprived of his rank and pay for six months. Of another case he (Captain Bernal) could speak from his own knowledge. An officer, after having been insulted, refused to fight a duel and was driven out of his regiment. He was more inexperienced when he took part in that transaction than at present, but he did not mean now to shrink from the part he took, nor did he hesitate to avow the sentiments which then actuated him. He believed he had now said enough to show what anomalies there were in the system. If an officer refused to take part in a duel he was judged and condemned accordingly—if he took part in one and his antagonist fell, he was liable to be tried for his life, and, as if to fill up the measure of vengeance, his widow was after his death liable to be deprived of her pension. With regard to the subject of pensions of this sort there appeared to be considerable misapprehension. Hon. Gentlemen appeared to think that widows had a right to pensions. Under correction, he asserted his belief that widows had no such right. If a widow would declare that she was not left in competent circumstances, and satisfied the Treasury as to other matters, there was no reason to suppose that a pension would be declined. In the present case, however, he wished to remind hon. Gentlemen on both sides that had Colonel Fawcett sold his commission a week before he died the sum of 3,200*l.* would have been at his widow's disposal; so that the unfortunate lady had not only been deprived of her pension, but also of the capital which her husband had embarked in the service. He wished also to call the attention of the House to the circumstances that had occurred on the late trials in Ireland, and, in doing so, he begged to disclaim all desire to cast unworthy taunts on the right hon. Gentleman the Member for Ripon (Mr. Smith). Whatever difference of opinion might be entertained as to other parts of the right hon. Gentleman's conduct, the manly way in which he had come to that House and explained the circumstances of the transaction alluded to was sufficient to obliterate all feeling which might at first have been entertained. But he was, nevertheless at a loss to understand how the right hon. Baronet could reconcile it to himself to treat the affair of the Irish Attorney General as a mere breach of decorum, while in the case of Colonel Fawcett (and he, too, a military officer) he was going the length of depriving the widow of her pension.

"Dat veniam corvis, vexat censura columbas."

For that lady to have lost her husband by the hand of her brother-in-law was surely cruel suffering enough without this additional aggravation; and now that the seconds had been acquitted, and still held commissions in the service, surely it savoured rather of persecution to withhold a paltry pension from a wretched and aggrieved woman. He could assure the House that he had no knowledge of or acquaintance with the lady in question; but he called on the House to treat her case with kind consideration, and he still could not help entertaining a lively hope that the right hon. Gentleman, whose character for courage was only equalled by his reputation for humanity, would, on further reflection, be inclined not to withdraw this pension, but to grant it to the widow of a man who, in the words of the right hon. Baronet at the head of the Government, "was a man of great military reputation, who had distinguished himself in the service of his country." The hon. Member concluded by moving for the papers.

Sir *H. Hardinge* would endeavour to follow the example of the gallant Officer, and make the remarks he should offer to the House with the same excellent temper and good feeling which the gallant Officer had shown in introducing his Motion. He felt called upon to justify to the House the decision which he, in the exercise of the responsibility and discretion with which he was entrusted by virtue of his office, had formed, and which had been subsequently confirmed by his right hon. Friend. He might, however, at the outset, be allowed to say that in the exercise of that responsibility and discretion, he had been influenced by special circumstances, and not, as the hon. and gallant Officer supposed, by any direct or general rule; on the contrary, he had been actuated by the consideration that there were circumstances so unjustifiable in this duel as to require the Government to show as much discouragement and as marked a displeasure as possible. He would inform the House what had taken place. In September he had received a communication from the Army agent, asking for a pension for Mrs. Fawcett. He sent to the agent—not a letter, because at the time, he desired not to record his opinion of the circumstances out of which the application had arisen—but a communication, informing him that in his (Sir H. Hardinge's) opinion, it was a case in which a pension could not be recommended by him; but, under all the circumstances of the case, he recommended the agent through his private secretary not to press his application at that time. In the course of a month he received another letter from the agent withdrawing the first application. He did this, as he had already said, in order that the case of Lieutenant Munro, who was then understood to be about to take his trial, might not be prejudiced from any record of his that he considered the duel unjustifiable; and, not wishing to prejudice the case, he thought it best to take the course he had stated—not to make any record of his reasons for withholding the pension, but merely stating to the widow, that under all the circumstances, he thought the case was one in which pension ought not to be granted. Now, with regard to what passed between him and his right hon. Friend; his right hon. Friend wrote to him upon the subject of Mr. Munro from the country, asking him when steps had been taken to supersede that officer? His (Sir H. Hardinge's) answer was, that he understood expectations were held out by the friends of Mr.

Munro that in a month or two that gentleman would surrender and take his trial. This was subsequent to his decision upon the application of Mrs. Fawcett. Expecting that Mr. Munro would take his trial, he thought it would be equally prejudging his case if he had been superseded by the Horse Guards previous to his taking his trial; and he further stated that he would confer with the Commander-in-chief on the subject; but he at the same time stated to his right hon. Friend, that considering the near relationship of the parties, he had taken the step of informing the agent that he did not think he should be justified in recommending that a pension should be given to Mrs. Fawcett. In that decision his right hon. Friend ultimately concurred. Therefore the gallant Officer (Captain Bernal) would see that the refusal of the pension rested upon special grounds, and not on any general rule. He would now state to the House what was the usual practice of the War Office in regard to granting pensions to the widows of officers who fell in duels. And as illustrating that practice, he would state a case that had occurred. In 1829, when he had the honour to hold the office of Secretary at War, a duel between two officers, which terminated fatally in the case of one of them, occurred in Ceylon; the circumstance was reported in due course to him, and the claim of the widow of the officer who had fallen came before him for consideration. He found the report he had received from Ceylon was not sufficient to give him a perfect knowledge of the merits of the case, and he therefore referred it back for further particulars. He (Sir H. Hardinge) left office in 1830, before the answer from Ceylon was received. The noble Lord (Lord Palmerston) who had preceded him in that office, in reference to the case of the widow of an officer who had committed self-destruction at a moment of temporary insanity, stated his opinion in a Minute in 1826:—

> "That the case of an officer who lost his life by his own act, was the same as that of an officer killed in a duel; the widow had no claim to the pension, but the case must be governed by its own special circumstances."

That was the precedent to which he had referred in 1829, and after expressing some dissatisfaction as to the insufficiency of the report from Ceylon, he made a Minute dated December, 1829—having the Minute of the noble Lord before him at the time—which was as follows:—

> "The Secretary-at-War (Sir H. Hardinge) must defer coming to any decision on the case submitted to him, in the absence of information as to the conduct of the parties, and the special circumstances of the duel. The claim of the widow to a pension was derived from the public services of the husband, and not from circumstances of compassion. If the husband lost his life in a private or personal quarrel, unless the circumstances admitted of palliation, the widow would not be entitled to a pension—but making all due allowance for custom and prejudice, as regards Duelling, if the Secretary-at-War can recommend the granting of the pension, he will exercise his discretion in favour of the widow."

He had been unable to decide, from the absence of sufficient information, up to the period at which he left office. In the year 1830 it would be remembered he was succeeded by Mr. Wynn as Secretary-at-War, and when the case came before that right hon. Gentleman, he referred to the Minutes which had been made by him Sir H. Hardinge and Lord Palmerston; and an answer having been in the mean time received from the General commanding in Ceylon as to the facts of the case, Mr. Wynn made a Minute, which was to this effect—"That, as there were no circumstances of palliation, he must on the principle laid down by Sir Henry Hardinge and Lord Palmerston, negative the application." And accordingly, a letter was written to the lady, informing her that her application for the pension could not be granted. He (Sir H. Hardinge) thought he had now shown that in certain cases, when an application was made for the pension by the widow of any officer who had fallen in a duel, and circumstances of palliation could be brought forward, the Government were not disposed to refuse to give to such an application due consideration. But looking further to those cases in which pensions had actually been granted, he found a case in which the circumstances attending the affair were still more unfortunate than in that now under consideration. He alluded to the case in which Captain Boyd lost his life in a duel with Major Campbell. In that case, on its being proved to the satisfaction of the Government, that Captain Boyd had been forced into the duel, that the pistols had been actually forced into his hand, and that there were circumstances of palliation, they at once accorded the pension to his widow. Now, he had brought forward two cases—one decided by Mr. Wynn, in which no pension had been granted, because no circumstances of palliation could be shown; and another, which had been decided in 1807, or 1808, in which the Government had granted the pension, there being circumstances of palliation. He now came to the case of Mrs. Fawcett. His noble Friend, the Commander-in-chief, during the recess, had been anxious to consider the subject with the view of devising, if possible, some means by which the practice of duelling in the Army might be discouraged and prevented. Being also engaged in that investigation, and taking the circumstances of Mrs. Fawcett's case as they appeared before him—judging from the words of the opinions of previous Secretaries of War, and judging as a person filling the office he had the honour to hold would be supposed to judge, it did appear to him, that under all the circumstances of the case, it was impossible for him to recommend, that the pension should be granted to Mrs. Fawcett. Looking at the near relationship which had existed between the principals in the duel, and to the fact that no insult had been given which might not have been explained away—no difference which might not have been adjusted without detracting from the honour of either party—for he believed nothing more had passed than the one party saying to the other, "your manner and language are so unpleasant that you had better leave the room"—seeing that the insult was so very trifling as to afford no palliation, no justification for two men so nearly allied as brothers-in-law to go out and fight a duel—and Colonel Fawcett being a man of distinguished courage and distinction in the service, recently displayed in China, could have had no excuse for going out so readily to shoot his brother-in-law. Looking at all those circumstances, his opinion had been from the first, and was still, that this was a case in which the pension ought not to be granted. Although he had a due respect for the services of Colonel Fawcett, he could not bring himself to believe that it was within the province of his discretion to recommend the case as one deserving of favourable consideration. But it should not be forgotten that the pension of the widow was not granted as a mere matter of right, or upon consideration of whether the services performed by the husband entitled her to it, but, also upon the circumstances attending his death; for instance, if killed in action, a double pension was awarded, while, on the other hand, circumstances might arise on the death of the husband to deprive a widow of her pension altogether. In the case of an officer whose public accounts were involved, or who had been guilty of embezzlement, no pension would be given to his widow. Special grounds, therefore, would be sufficient either to give or refuse a pension. He could assure the House that he had, in dealing with the present case, desired to consider it in the most liberal point of view, but, nevertheless, he did not see how he could have made an exception in regard to it. He had, after due consideration, come to a decision on the subject, and in that decision the Government concurred. He was confident, too, that his decision was the correct one, and that it would go far to discourage a repetition of similar proceedings under such unjustifiable circumstances. He felt that he had exercised a sound discretion in the matter, and he was sorry to inform the hon. and gallant Member (Captain Bernal) that he had heard nothing to induce him to alter his determination, and by that determination he meant to stand. There were numerous cases in which the claims for pensions, on behalf of officers' widows, had been admitted; but in these, also, special circumstances existed. When the British Army was on the Continent, it was no uncommon occurrence for four or five duels to occur in the course of a single day. Officers in Her Majesty's service, dressed in their uniform, were often insulted by foreign officers, and compelled to fight, and if any officer's widow, whose husband had been thus killed in a duel, was to apply for a pension, it was justifiable to grant her pension in a case where the officer had been forced to fight in defence of his uniform, and the service to which he belonged. He thought, then, he had shown that the exercise of a discretion in these matters was a part of the duty of the Secretary at War. The hon. and gallant Officer had said, that he could not admit any distinction in the granting of pensions to officer's widows, on the ground that the husband had fallen in a duel, when very high military authorities had set examples of duelling. The hon. and gallant Officer had stated that Lord Londonderry had fought with an officer of lower rank than himself, and that no punishment had followed. But Lord Londonderry, it must be remembered, fought an officer who was, at the time, on half-pay, and not, therefore, amenable to military law—and the noble Lord fought him, not as an officer, but on the same condition as he would have felt bound to give a meeting to any other gentleman. And in the case of the Duke of Wellington, the person with whom the noble Duke fought, was another noble Lord not in the Army. And let the House distinctly understand, that it was no part of the military code to deprive an officer of the right to demand or give satisfaction, in case of a difference with a person not in the Army—in the case of a difference in which the vindication of his character required such a course to be taken. With regard to the statement that no superior officer had been dismissed for being engaged in a duel, he would remind him that General Burton, who fought an officer on full pay, was dismissed. The hon. and gallant Officer had also spoken of the case of a colonel of Marines, who had been engaged in a duel. In that case the officer had submitted to repeated insults directed against him for a long period, and at length, on those insults being reported by another officer of Marines, he found it was impossible to avoid noticing them, and in that case the circumstances were considered by the authorities so bad, that one officer was dismissed the service, and the other reduced to half-pay. He had a great desire to discourage and suppress the practice of duelling, so far as it could be done, and Her Majesty's Government had been occupied during the recess with the consideration of means to put a stop to it. And he was now prepared to state what he was not in a condition to announce on a former evening, when the subject was under discussion, for he had not at that time the official sanction of Her Majesty to do so; now he was enabled to say that Her Majesty, to show her disapprobation and abhorrence of the practice of duelling, had authorised him to amend the Articles of War, by the insertion of additional Articles, which he hoped would have the effect of materially suppressing it. Perhaps the House would prefer that he should read the proposed Articles, which he would do, merely premising that Her Majesty, when she heard of the unfortunate occurrence between Colonel Fawcett and Mr. Munro, with that humanity and consideration for the welfare of her subjects which always characterised her, expressed a strong desire that measures should be devised for putting an end to this barbarous custom. The first amended Article was to this effect:—

> "Every officer who shall give or send a challenge, or who shall accept any challenge to fight a duel with another officer, or who being privy to an intention to fight a duel, shall not take active measures to prevent such duel, or who shall upbraid another for refusing or for not giving a challenge, or who shall reject, or advise the rejection, of a reasonable proposition made for the honourable adjustment of a difference, shall be liable, if convicted before a general court martial, to be cashiered, or suffer such other punishment as the court may award."

The second was:—

> "In the event of an officer being brought to a court martial for having acted as a second in a duel, if it shall appear that such officer had strenuously exerted himself to effect an adjustment of the difference on terms consistent with the honour of both parties, and shall have failed through the unwillingness of the adverse parties to accept terms of honourable accommodation, then our will and pleasure is, that such officer shall suffer such punishment as the court may award."

Then there was a declaratory clause, in which Her Majesty expressed her approval of officers who endeavoured to repress the practice of duelling; and as the wishes expressed by Her Majesty in this clause were most reasonable, he was quite sure they would meet with every attention:—

> "We hereby declare our approbation of the conduct of all those who, having had the misfortune of giving offence to, or injured, or insulted others, shall frankly explain, apologise, or offer redress for the same; or who, having had the misfortune of receiving offence, injury, or insult from another, shall cordially accept frank explanations, apology, or redress for the same, or who, if such explanations, apology, or redress are refused to be made or accepted, shall submit the matter to be dealt with by the commanding officer of the regiment or detachment, fort or garrison, and we accordingly acquit you of disgrace, or opinion of disadvantage, all officers and soldiers, who, being willing to make or except such redress, refuse to accept challenges, as they will only have acted as is suitable to the character of honourable men, and have done their duty as good soldiers, who subject themselves to discipline."

Now the manner in which this would act was this; when a difficulty arose in the settlement of a quarrel between two officers, and their mutual friends should be unable to accommodate the matter to the satisfaction of the parties, it would be referred to the commanding officer of the regiment or detachment, and if the commanding officer should not be able to arrange the difference between them, then they would be liable to be brought before a court martial, and subjected to punishment, as he had stated. And by the second

Article, if it should appear that the second in any duel had used every endeavour to arrange the difference between the parties, and to prevent the duel, but should fail through the unwillingness of one of the parties, he should not be liable to be punished to the same extent by the court martial as those who had refused honourable terms of adjustment. He could only state generally on the subject, that the effect of these new Articles would necessarily tend to discourage the practice of duelling in the Army. And he must observe, too, that when Her Majesty's opinion upon the subject should become known to the public at large, it would tend much to prevent the practice, and that not only officers in the Army and Navy, but private gentlemen, when they did wrong or gave offence to others, would be ready to apologise, and when offence had been received, to accept apologies like gentlemen, instead of resorting to duelling for the settlement of their quarrels. He had but little doubt when it was found that the officers of the Army took this course of redressing their wrongs, before long the other portions of the community would follow the example, and duelling would, in a great degree, be put an end to. He could not hope at once to check an evil that had existed so long, all he could expect was, to diminish it and to modify it. The Army was never in a better state than at this moment; and in corroboration of what he had asserted last week, he could now state that at Chatham where there were twenty-five regimental dépôts, and from seventy to eighty officers of different regiments messing and living together, there had not been a single instance of duelling for eight years; and he had every reason to believe that that disgraceful, criminal, and unreasonable practice was fast going into disuse in all societies; and that there was quite as little of it in the Army as elsewhere. He did not think it necessary, on that occasion, to go into the question of the military discipline of the Army in regard to duelling. He could conceive cases in which men acting disreputably and without proper courage, had been forced to leave their regiment, as the hon. and gallant officer had stated; but these were cases which defied legislation, and it was impossible for any Government or Secretary at War to devise Articles of War to meet such cases. All they could do, was to propose such rules and regulations as they thought best, and carry them out fairly, and with as much energy as they could. But, having said so much, he must beg the House not to be misled by a wrong impression; it must be distinctly understood that the Articles of War applied only to officers on full pay, and performing military duty. Officers living in garrison, barracks, or forts, and living in a family as it were together, required to be kept in subordination; and under discipline; and these, therefore, were governed by military laws, and it was necessary that means should be proposed by the authorities of immediately redressing those grievances and differences which might arise between the officers. But if any officer in the Army quarrelled with another gentleman in private life, he would be as free to vindicate his private honour as any man who did not hold the Queen's commission. He would never be a party to impose on any man in the profession of arms—however barbarous the custom, and however much he disliked the practice—the liability to be insulted in the streets or elsewhere, without the power of redressing his own honour, merely because he was an officer in Her Majesty's service. It was impossible to devise Articles to affect officers on half-pay, or to make them amenable to military law; and they could not interfere should an officer so circumstanced engage in a duel, unless in a case so distinctly and obviously wrong, that public opinion was against him; and in that case Her Majesty would, without doubt, exercise Her prerogative, whether the guilty party were on half pay or full pay. He believed so much had the practice gone down, that where there was one duel now there had been fifty formerly. With regard to the papers for which the hon. and gallant Officer had moved, they should be laid on the Table; but he again had to express his regret that he could hold out no hope of being able to recommend the granting of the pension to the unfortunate lady, Mrs. Fawcett. The hon. and gallant Officer was right in saying that there were other considerations which governed the granting of these pensions than the deserts of the deceased officer—he meant considerations of need. When an officer's widow applied, and it was found that she was in wealthy circumstances, the pension would not be accorded. And, in the case of Mrs. Fawcett, if the circumstances attending the death of Colonel Fawcett had been different, the question would still come under the consideration of the War Office, whether the lady was in such reduced circumstances as to require it. He was happy to say that he understood she was not. But it must be distinctly understood that that was not the principle upon which his decision had been come to, the principle was that which he had stated, and he was sorry to say he could hold out no hope whatever of reversing that decision.

Mr. *T. Duncombe* having just heard the announcement of the Government's intention to propose certain new regulations for the army, felt that the House would not consider it convenient at that time to discuss them. He might, however, be permitted to observe, that he did not think they would have the effect which the right hon. and gallant Officer anticipated. In some respects they appeared to him (Mr. T. Duncombe) to be a relaxation of the existing law as to Duelling and the sending of challenges in the army, as laid down in the Mutiny Act. In the case of seconds, the right hon. and gallant Officer had stated, that if it should appear that they had done every thing in their power to bring about an amicable arrangement and prevent a duel, the punishment was to be mild. But there was nothing more stringent than the present law on the subject, and what became of the new regulation, when the law of the country declared that the second in a duel was as guilty as the principal? He had no acquaintance with either the officer who had fallen in the duel which had been referred to or with Lieutenant Munro. But, at the request of his friends, the latter Gentleman had addressed to him (Mr. T. Duncombe) a letter on the subject, and he thought it due to the character of that Gentleman, and of the seconds engaged in the affair, whose conduct had been blamed that evening, to read it:—He must state, that he believed that in this case the seconds were not the parties to blame, and, indeed, that if all the particulars of the case were known, that Lieutenant Munro would be found entitled to the deep commiseration and sympathy, instead of the censure of the public. The right hon. and gallant Gentleman had stated, that he had been told that the affair might and ought to have been settled easily. That it ought to have been settled there was no doubt, but the right hon. Gentleman had stated, that the duel arose from the circumstance of Lieutenant Munro having been told to leave the room; but if the right hon. and gallant Gentleman was acquainted with all the circumstances, he would have known that language very different from such a request was used to Lieutenant Munro. Again, the right hon. Gentleman had stated that the parties went out, and the duel had taken place the morning after the night on which the insult had been given. He had certainly been under the same impression until he received the statement which he now held in his hand, and he thought that the public would be inclined to judge differently of the case, when they knew all the circumstances connected with the transactions which occurred during the day intervening between the quarrel and the duel. The quarrel took place on the Thursday evening, and the duel was not fought until Saturday morning, the 1st of July. The whole of the day was passed by the seconds and Lieutenant Munro in taking the opinions of persons in high stations—not only in military life, but in general society, as to what course ought to be adopted in reference to the matter. The hon. Gentleman then proceeded to read the statement of Lieutenant Munro to the following effect:—

"I returned, and said, that if it had not been for the connection that existed between us, and the unseemly nature of such a proceeding, that I would bring him to account for it, or have resented it upon the spot; he replied, that as to the connection, he wished never to hear of it again, and hoped that it would not prevent me from doing what I referred to. I then went away. Upon the following morning I took the opinion of an officer of acknowledged judgment, and of upwards of thirty years, standing in the Army, upon the unfortunate occurrence. He said, that during the course of his service he had never heard of so gross an outrage, and that, as a British officer upon full pay, I had no alternative whatever but what was usual, viz., an apology or a meeting. I then called upon Mr. Grant, and took him with me to consult with a friend of much experience in these unhappy affairs. His opinion entirely coincided with that of my other friend, but he said he would take the advice of a general officer about it, whose reply was, that no officer holding her Majesty's Commission could possibly exist under such an insult. In the course of the same day I took the opinions of three other friends (all officers, or having been in the Army); they all said that, however lamentable the proceeding was, that I was compelled to uphold the honour of the station I held in the service at the hazard of my life. I hoped that one word of regret might have been expressed for the wanton and gross insult put upon me, but none would be given, and a meeting was proposed that day by Lieutenant Colonel Fawcett, to which Mr. Grant objected. When I found, late in the evening of the 30th of June, that no amicable arrangement was likely to be come to, although I had left the affair entirely in the hands of my seconds, I wrote a note, recommending my wife and children to the care of some friends; and also a paper (which I signed in the presence of two witnesses), declaring that I most deeply deplored being obliged to go out with Lieutenant Colonel Fawcett, and that, from circumstances over which I had no control, I was forced to do so; I most earnestly desired that some arrangement might be come to the following morning, and I made three appeals to Mr. Grant upon the ground, with that view, saying each time, 'Good God, Grant, can nothing be done to stop this dreadful affair from going on?" but it appears that he was so obstinately and violently received the day before by Lieutenant Colonel Fawcett, that he had no hope of coming to a friendly understanding. It would be both imprudent and improper for me to proceed further with the details of this most melancholy transaction, but I think I have said enough to convince most fair, thinking men, that I am much more to be sympathized with than blamed for what has happened."

The hon. Gentleman continued: That statement placed the affair in quite a different light. Why, what was the state of the case? Lieutenant Colonel Fawcett's widow had been deprived of her pension in consequence of this duel. If her husband had fallen in the service of his country, she would have had a pension. The right hon. and gallant Gentleman had stated, that there were special circumstances in Colonel Fawcett's case which prevented him from making the provision of a pension. [Sir *Henry Hardinge:* the special circumstances referred principally to the relationship of the parties.] He admitted that there might be cases in which peculiar circumstances might justify a Government in refusing a pension, such as when it could be proved that the wife was a party to the transaction, and knew of the duel beforehand. But what was the case as regarded Lieutenant Munro? Indeed, he would wish to make an addition to the Motion of his hon. and gallant Friend, and to have all the correspondence which had passed between the Horse-Guards and Lieutenant Munro in reference to his having been superseded, laid on the Table of the House. The duel took place upon the 1st of July last, and Lieutenant Munro was not superseded until February. He purchased his commission that was lost, and his pay was stopped from the 1st of July last, although he belonged to the Army until the end of February. He did not see what right the Horse-Guards had, in such a case, to stop the pay as they did. [An *Hon. Member:* Lieutenant Munro was absent without leave.] But the right hon. Gentleman had stated, that he would not supersede Lieutenant Munro, because he understood that he was going to take his trial. Why, that was a tacit acquiescence in his absence. But what was the condition of Lieutenant Munro now? He described his condition thus:—

"I will not attempt to describe my own most unhappy state of mind since I have been forced to fly from my country, my profession, and my beloved wife, children, father, mother, and relatives; but those who have known me from my childhood, and my gallant comrades, can conceive what I have suffered. I had a happy and a contented home; my utmost and constant endeavours were directed to perform, to the best of my power, my duties to my God, to all men, and also as a faithful subject to Her Most Gracious Majesty, and I am now a marked and wretched exile! It has been said that I was to enter a foreign service, and I have occasionally, in my solitude and wretchedness, thought of doing so; but my heart and my affections are and ever will, remain with my kindred and my country; and I do not think that I need be ashamed of owning that, when alone, I have shed many a bitter tear for what has happened, but what I could not prevent; but I have a great consolation in the assurance that my Merciful and All-seeing Maker will hold me guiltless of the abominable and horrible crime that erring men like myself lay to my charge."

Lieutenant Munro was not to be blamed for this duel. He was a victim to the barbarous system of Duelling. The persons who were to blame were those who promoted and upheld the system. The persons who were to blame were, or at least one of them, that General Officer, who told him that, at the hazard of his life, he must stand not only by his own honour but by that of his corps; that if he had not done this he would have been dismissed from that service to which he was an ornament. Now, after having followed what to him were really the commands of this General Officer, if Lieutenant Munro had come forward, and, as the phrase goes, thrown himself upon God and his country, what would have been the consequence? Most probably he would have been visited by transportation. That was the way in which Officers were exposed to transportation upon the one hand, or to stigma and dismissal from the service upon the other. It really behoved the House to do something to put an end to this state of things, and merely passing these Articles of War would not do. They must go one step further, and should pronounce that they would not consider the man degraded in the eyes of society who did not fall into the melancholy error of Lieutenant Munro. But he was afraid that, notwithstanding, they must go through the farce of confirming these declarations which Her Majesty was about to issue; he considered it a farce, unless this House was prepared to express some stronger opinion than they had yet done upon the subject, for he did believe that, heartily as they all seemed to unite in condemning this system, there was hardly a man now hearing him who, if he received an insult such as Lieutenant Munro had been subjected to, would not have adopted a similar way of avenging it. It was true that public opinion generally condemned duelling, but they must go further than public opinion. Half-pay officers engaged in duelling should be punished, he thought, as well as officers on full-pay. It was a most painful subject for the House to enter into, but he did say that the man, the Minister of the Crown, or merely a private Member of the House, who could by possibility put a stop to Duelling, would be entitled, he thought, to the gratitude and respect not only of the House, but of the country.

Sir C. *Napier* admitted, that the widow of an officer had no abstract right to a pension. The Crown bestowed a pension upon widows, but a warrant was issued stating the cases of those widows who were not to have pensions. Duelling was not one of those cases. It was true, that the right hon. and gallant Gentleman had read a minute as to the case of an officer in Ceylon, who had been killed in a duel. But that minute had not been made public. He doubted whether any officer ever knew of it, and he thought that if Lieutenant Colonel Fawcett had not heard of this minute, his widow had not been justly treated. The right hon. and gallant Gentleman had stated, that there were special circumstances attending the case of Mrs. Fawcett, which precluded her from receiving a pension, but he did not tell the House what these circumstances were. He would wish to hear whether Mrs. Fawcett had anything to do with the duel, and whether she knew beforehand that it was to take place? He did not believe that she knew anything of the sort. There might be delicate circumstances connected with the case which prevented the right hon. Secretary at War from letting the House know all that he was acquainted with; but he could not be satisfied that Mrs. Fawcett was properly treated unless they had some distinct declaration that she was in some way privy to the melancholy transaction. He agreed with all that had been said relative to the hideousness of Duelling in general, but particularly to that of Duelling between near relations. As to the late case, there was nothing on earth to excuse it; surely brothers, or even brothers-in-law, should never fight. No, nor even cousins. These were his sentiments upon the matter. They could not put an end to Duelling at once, but they should discourage it as far as they could by stating their opinion of such quarrels, particularly between relations. They had heard that a general officer had given it as his opinion that the duel should take place. He thought it lamentable that a man, at a time of life at which it was probable that that officer had arrived, should give such advice. But that advice did not justify the seconds. They should have said—we will not go out, or take a part in this matter, and if you are determined to fight, you must find other seconds. Now, according to the rules and customs of the duel, if two seconds, after mature deliberation, come to the conclusion of not going out, the principals would not find other seconds, who, on knowing the previous circumstances, would consent to act as such. In the present case, the seconds had been acquitted, and he believed that they had not been punished at all. Surely the case was of such a character, that if the Secretary at War punished the widow, he was punishing the least culpable party of all. He did hope that the matter would yet be reconsidered. They had heard of new regulations touching Duelling to be introduced into the Army. He agreed with the hon. Member for Finsbury in thinking that these Resolutions would not answer the purpose they were intended to serve. It was not necessary that officers should make it public that they were going to fight a duel. The public would know nothing of the matter unless one of the combatants should be killed or wounded. And every person in the regiment would think himself bound to keep the affair as secret as he could, for the purpose of evading the regulations. He would suggest another means of putting down Duelling. It was true that Duelling was going out of fashion; but there were few officers in the Army and Navy who had not seen or heard of persons in both services — practised duellists — men who made a habit of practising pistol-shooting, and attained such a degree of proficiency that they could almost shoot a sparrow's eye out—at all events, that the person who went out with them had not the slightest chance of his life. Now the pistol was not a necessary weapon in war. It was not necessary that a man should be a pistol-shot; and he should like to see some regulation adopted in the Army to the effect that if it was brought home to any officer that he was a practised pistol-shot with a view to duelling, that such an officer should be severely punished. But they should go further, and provide against duelling in civil life. The right hon. and gallant Gentleman the Secretary at War had stated that duelling had almost gone out of the Army; but to hear the discussions which had lately taken place in this House upon the subject, one would suppose that it existed in the Army alone. He thought then, that they had better begin with civilians—ay, with the First Minister of the Crown, and go down from him to every Minister who ever sat on the Benches on either side of the House. He would make one and all of them incapable of becoming a Minister of the Crown after it was proved either that he had sent a challenge or fought a duel. He would go further, and apply the same rule to Solicitors General and Attorneys General, and all Gentlemen of the same genus. If such a regulation had been long in practice, however, he feared that there were a considerable number of Gentlemen on the Treasury Bench who would not be sitting there now. He did not know how the rule would affect the ex-Treasury Bench on his side of the House, but he repeated, that he would like to see a regulation issuing from Her Majesty, to the effect that no person could be competent to become a Minister of the Crown, who had been engaged in a duel. That would be a powerful preventative. But then, on the other hand the remedy might prove worse than the disease, for had the plan been in operation they must have lost, among others, the services of the Commander-in-chief the Duke of Wellington. He did not think it fair or right, however, for the right hon. Gentleman the Secretary at War to promulgate his Regulations as to the Army unless some such measures were applied to the Navy, and also to persons in civil life. He would tell them a way of putting down Duelling at once. He would not allow a duel to be fought unless across a table. First let one pistol be loaded with ball and the other not, and let lots be drawn who shall have the loaded pistol; then, if that had no effect, let both be loaded with ball, and then let the Gentleman who was not shot be hanged.

Colonel *T. Wood* thought, with reference to the late case, that had the plan been adopted of calling together the officers of the regiment and submitting the matter to them, the result would have been different from that which it unfortunately was. He could not but remark that the discussion had turned principally upon the Army, among the Members of which the practice of Duelling was less common than with almost any class of the community. The Articles of War proposed, embodied the spirit and practice of the Army. He had frequently seen in his own connection with the Army, officers called together and consulted upon the subject of disagreements arising between them. He wished that something of the sort had been effected in the late case.

Viscount *Palmerston* having been alluded to by the right hon. and gallant Gentleman the Secretary at War thought it right to say one or two words. The gallant Officer had quoted a case in which he, when Secretary at War, had determined, that a pension should not be granted to an officer's widow, in consequence of that officer having lost his life by his own hand. The right hon. Gentleman stated that in recording that decision, he had given an opinion that the same rule should hold good as to the widow of an officer killed in a duel. He had no distinct recollection of the case alluded to, many matters had since passed through his hands which might have caused him to forget it; but as the right hon. Gentleman had stated it, he had no doubt that such was his decision. He thought that the principle upon which that decision must have been founded was the principle on which pensions were granted. Pensions were granted not on considerations connected with the widows of officers, but on considerations connected with the officers themselves. He considered a pension to be in some respects an increase of an officer's pay. It was one of the advantages given him as a reward for his services; and the knowledge that a pension would be granted to his widow, rendered it unnecessary that he should make those sacrifices, of a portion of his pay, which would be necessary to secure an annuity to his widow by other means. Therefore, he looked upon a pension as a part of those pecuniary advantages which were given to officers in return for services rendered. It, therefore, had always been usual that the claims of a widow to a pension should depend upon the services of the husband, and, as the right hon. and gallant Officer opposite had observed, there were cases in which, after very distinguished service, when the officer had lost his life in a brilliant manner in action, it had been usual to increase the amount of the widow's pension, although the loss was only the same to her whether her husband had died in action or in any other way. He thought it very likely that, in applying that principle, he should have felt it his duty to have abstained from recommending to the Crown the granting of a pension to the widow of an officer who had committed suicide, as he had deprived the army of his services by his own act, and had in no way increased by his death his claims upon his country. With respect to Duelling, this principle did not apply in the strictest and most unvariable manner. The claims of the widow depended upon the circumstances of the duel—and speaking in this case under great ignorance of detail—knowing only what he had read upon the subject in the ordinary channels of information, he should have been disposed to have come to a different conclusion from that arrived at by Government. Because, judging merely from the common sources of report, it appeared to him that Lieutenant-Colonel Fawcett was least to blame of all the parties concerned. The challenge did not come from him, but from his antagonist, who, therefore, was *primâ facie* the party the most to be blamed. The seconds were blameable in the next place, because, though it was painful to speak so as to impute censure to men who were not present to answer for themselves, yet he could not conceive that in a case like that in question, any two Gentlemen acting as seconds, and inspired with a desire to accommodate matters without having recourse to extremities, could not find means for arranging the matter. Therefore he should say, that in the view which he took of the case, Lieutenant Colonel Fawcett was least to blame, and on that ground he should have felt disposed to take a favourable view of the claims of his widow for a pension. At the same time, not knowing the nature of the facts which might have come to the knowledge of the Government in regard to the parties, he could not pronounce any decided opinion. Upon the subject of Duelling, he must say, that it appeared to him that in general the seconds were the parties who could with most difficulty shift the blame from their shoulders. Because in most quarrels one party, if not both, would be found to be in the wrong —indeed, a case could hardly be supposed in which one of the parties was not to blame; and if the principals were placed in the hands of their friends, as they should be placed, and as their friends should require them to place themselves, then if the friend of either party saw that his principal had been in the wrong, and used his own judgment, in regard to making a suitable and becoming concession, it would rarely happen that there would not be found means of adjusting the matter in dispute honourable for both parties. As to the additional Articles of War which they had heard read, he certainly felt with his hon. Friend, the Member for Finsbury, that in one respect the change which had been made was rather a relaxation of what now existed; but he must say, that if the Articles of War, as they at present stood, had been strictly enforced, there would have been no necessity for greater stringency; and if the new Articles were not to be enforced more strictly than the old ones had been, he was afraid that the best disposition on behalf of the public and of the House to put down the system of Duelling would be ineffectual. He agreed that they could not expect the Army to stand in this matter on a different footing from the community at large; and any expectations that, so long as Duelling could find favour or protection with the community at large, it could be effectually put an end to in the Army, must infallibly be disappointed. The Army would keep pace with the rest of the community in the abandonment of this practice, but could not be required to do more. But if it wasto be held that, in all cases in which an officer lost his life in a duel, a pension was to be withheld from his widow, he agreed with his hon. and gallant Friend (Sir C. Napier), that such rule should be made publicly and generally known. However, if discretion was to be used, and if the decision was to depend upon the circumstances of the case, he should hope that, however firmly the right hon. and gallant General the Secretary at War had at present made up his mind, this case might still remain open for consideration; and if it should be found that Lieutenant Colonel Fawcett had not been the most to blame in the transaction, and if Mrs. Fawcett, were not by the amount of her own independent income excluded from the pension by the standing regulations of the service, then he hoped that the melancholy fate of her husband would not be an insurmountable bar to prevent a pension from being granted to her.

Sir *Robert Peel* wished to take this opportunity of stating the ground on which after hearing of the Resolution of his right hon. Friend the Secretary at War—he had cordially approved of that Resolution. In the course of last Session, after the public mind had been strongly excited by this unfortunate duel, he was called on to state whether, during the recess, Government would take into their consideration any means for discouraging the practice of Duelling. He then stated that Government were prepared to take the subject into consideration, although not to bring forward any definite measure with respect to it. In accordance with this pledge the matter was taken into consideration. A few nights ago an hon. Gentleman opposite had put a question to him upon the subject. He then thought it right to state the course which the military authorities had taken with reference to the late unfortunate duel. He approved of that course, on the ground that he understood the general rule of the War Office to be, that the claim of the widow of a deceased officer to a pension was not admitted as an absolute right—that the admission of such a claim was to depend upon the circumstances of each particular case. He understood the rule to be, that in cases of suicide, the claim for a pension of the widow would not be good. He did not, however, understand, and he did not think there should be an absolute rule, that in cases of death in consequence of Duelling the pension should be irredeemably lost. He understood the general principle to be, that in such cases the particular circumstances attending each should be taken into account. So far as the widow was concerned, it was impossible to deny that the application of the rule might be attended with individual hardship; but the hardship would, at least, press as heavily on the widow in cases of suicide as in cases of death by Duelling. If they looked to the position of the widow, it was easy to believe that her condition, upon losing her husband by his own hand, might be as deserving of sympathy as the cases in which the death of the husband had been produced by Duelling. The rule was laid down, not so much on considerations respecting the widow, as with a view to deter others from following the example of her husband. The case then arose as to whether the widow of the late Lieutenant-Colonel Fawcett was entitled to receive a pension. In former cases of the sort, the granting or withholding of the pension had been regulated by the particular circumstances of each case. He was loth to enter into the consideration of the circumstances of the present case, and he hoped that he had said nothing derogatory to the memory of Lieutenant-Colonel Fawcett, or harsh towards Lieutenant Munro. What were the circumstances of the case? Colonel Fawcett was the brother-in-law of Lieutenant Munro. True, he had a second; but that second was an extremely young man, of far inferior rank to Colonel Fawcett, and therefore not likely to exercise that influence over his principal which every second ought to command. There, then, was the case of a distinguished officer, who it could not be denied was the party to offer the offence, and that under the most aggravating circumstances, turning his brother-in-law out of the room—turning Lieutenant Munro, he believed down stairs in the presence of a servant. He was very sorry to enter at all into those details. He must say that he had a very strong impression that no duel was necessary in this case; and that the only potent offence being the turning down stairs in the manner he had stated, Colonel Fawcett might have said—"I acted hastily in turning you down stairs, and for the language at which you justly took offence, I tender an apology." That was his impression; and the rule being such as his right hon. and gallant Friend had stated, he thought his right hon. Friend was perfectly justified in refusing his widow a pension. He thought if it had been given, his right hon. Friend would have acted on a principle different from that adopted in previous cases, and would in effect have announced to officers, "no reference shall be had to special circumstances; and, however aggravating, you may rely on it your widows shall be entitled to pensions." These were the grounds on which he thought himself justified in performing the painful duty of withholding this pension. With respect to Lieutenant Munro, he had no knowledge of the circumstances which the hon. Member for Finsbury had referred to. Lieutenant Munro was not superseded. Being charged with an offence cognizable by the law of the land, no immediate step was taken with regard to him, though he was absent without leave. It was felt that there was some justification for his having so absented himself, on the ground that, with the prejudices then existing, he could not well come before a jury; but it was distinctly stated to him that when that public prejudice had subsided, he must submit his case to examination before a jury. He declined to do so: two Sessions passed, and being absent without leave, he thought his noble Friend, the Commander-in-Chief, fully justified in superseding Lieutenant Munro. As to the additional Article of War, he must observe there was a general impression that if an officer refused to fight, he subjected himself to dismissal by court-martial. The public declaration on the part of Her Majesty must effectually remove that impression. [The right hon. Baronet then read the additional article, which we have given above]. This was a decisive declaration of opinion that officers were exempt from blame or disgrace who refused an appeal to arms; and the terms were so explicit, that he thought it would tend much to discourage the practice of Duelling.

Mr. *Bernal* regretted that the supposed circumstances of this case were canvassed in the House. It was true that the seconds had no high rank, and were not of mature years; yet, in the absence of all proof, it was hard to judge, or to throw on the heads of these young men an additional share of public odium. He thought there should be a positive, distinct announcement that no widow of an officer who fell in a duel should receive a pension, if the object of the Government was to put down Duelling. But the right hon. and gallant Gentleman said, that there should be an inquiry into the particular merits and circumstances of each case. What were the particular circumstances of the present case? He knew little more of them than what he saw in the newspapers. The hon. Member for Finsbury had told them that when Lieutenant Munro submitted his case to his superior officers, they told him that the circumstances were so gross that he must go out. But the offence, as far as the world knew, was simply that Colonel Fawcett had turned Lieutenant Munro out of doors. Why, if the facts were so gross that there was in the opinion of those officers but one, and that the extreme remedy, must there not be something concealed from public view much worse than anything that had been stated? Would it be believed, that Colonel Fawcett would have refused to hear his relative speak, would have said, ' 'I will hear nothing about the Brighton houses; I will not hear a sentence from you about my property,"—if there had been no other cause of dissension than that which was stated in the public prints? Now, these hints which had been thrown out that evening put the case in a different point of view. The hon Member for Finsbury had said, that Lieutenant Grant, the second, had declared upon the field, "I can do nothing; after the manner in which we have been treated, I can do nothing." Yet, knowing so little of the real facts as they appeared to know, they sat there, as it were, a Pseudo Court of Justice, to try the merits of the case: one hon. Member passing an opinion upon one part of the transaction, and another upon another, but few really possessing a fair opportunity of judging. He was not aware of the state of Mrs. Fawcett's circumstances; all he knew was, that her husband had received the honour of a Commander of the Bath for his distinguished services in China, and that, putting aside this unfortunate occurrence, she would have been entitled to a pension. As to Lieutenant Munro, he had always heard him spoken of as a gentlemanly sort of man, who had attained the rank of Adjutant in the Blues—an officer to whom it was well known the men looked up more than to all other officers, and that he had a character to lose. Under those circumstances he should hope that his right hon. Friend would think it consistent with the execution of the important duties he had to discharge to look a little more into this case. With respect to the new regulations which were proposed to be promulgated in Her Majesty's service, he agreed with the noble Lord the Member for Tiverton, that little good would result from them. It was a mistake to say that there was an impression in the Army that officers would be dismissed for not fighting a duel; but they knew that not responding to a challenge, and being therefore sent to Coventry, was a great deal worse than being cashiered. As to Lieutenant Munro's not submitting to be tried by the proper legal tribunals, such was the feeling in the country at that time that he could not be surprised at his evading it.

Viscount *Howick* thought the result of this debate showed either that the pension should be granted to the widow of Colonel Fawcett, or that more should be done by Government towards suppressing the practice of Duelling. There was none who would not most deeply regret that the sorrows of that lady might possibly be added to by straitened circumstances. He could see no justifiable ground upon which her pension was refused, except that such a measure, severe and painful as it was, might have the effect in future of putting a stop to Duelling. But if they were to allow Duelling to go on hereafter, as it had done heretofore, he asked the House and the country what they gained by denying to this unfortunate lady, what, by her husband's death under ordinary circumstances, she would have been entitled to? Let the House, however, consider whether the course taken by the Government, and the debate of that evening, were calculated to check Duelling? What had been the tone of this discussion; had it been to reprobate Duelling as a general practice? Or had it not been to blame a particular duel, and to say, that this was a case in which the frightful alternative was unnecessary, and in which both seconds and principals were to blame for resorting to it? What had the right hon. and gallant Officer told them? That this pension was withheld on the grounds of the particular circumstances. They were not then indiscriminately to lay down a rule for all officers who fell in a duel, but the circumstances of their death were to be considered. Those were to bar the claims of widows to a pension, but in particular cases they were not to interfere. What, then, were the circumstances of this case? The right hon. and gallant Officer had the other night read an Article of War by which Duelling was strictly prohibited, and he took credit to the Government for their determination to enforce that Article of War. But he did not perceive that the moment he said special circumstances were to be the ground upon which a pension was to be refused, that in a case where there were not those special circumstances, and the party was supposed to be in the right, a duel was the proper course, and the widow was to have a pension? Did he not see that by laying down that principle he gave a sanction to Duelling, because he compelled the Government, the War Office, and the military authorities to sit in judgment upon such particular case? He, for one, believed Duelling to be a most unchristain and barbarous practice. But the right hon. and gallant Officer had read certain new Articles of War which he meant to propose with Her Majesty's sanction: in fact, he stated that Her Majesty had already signified her approbation of those Articles, and that as soon as the Mutiny Act was passed those Articles would be brought forward. Now what was the result of those new Articles? Why with regard to officers on full pay, they were, in reference to duelling, as the hon. Member for Finsbury had stated, a positive relaxation of the severity of the existing Articles. But with respect to an officer on full pay who had a quarrel with an officer on half-pay, or a civilian, they were not meant to apply. The right hon. and gallant Officer said he could not consent to deprive an officer of the army of the privilege—[Sir *H. Hardinge*: I did not say privilege.] Well, not privilege, but the power of defending himself against an insult the same as the other subjects of Her Majesty. But he conceived that that argument amounted to a direct sanction on the part of the right hon. Gentleman, to an officer on full pay fighting a duel when insulted by a civilian or an officer on half-pay, against whom he could have no redress under the Articles of War. But what was the distinction between an officer on full pay and another with respect to the immorality of the offence? As to officers in a regiment, it might interfere with military discipline. and there might be strong military objections to it. But in this case that objection did not apply; for though it was true that both were on full pay, they were not serving together. So far as this quarrel was concerned it was the same thing as a quarrel between officers on half-pay or between civilians, though technically within the jurisdiction of a court-martial. Well, then, he wished to know, if the right hon. and gallant Officer admitted that officers on half-pay who were insulted might properly avail themselves of this mode of protection, with what consistency did he in this case make the duel fought by Colonal Fawcett a bar to his widow obtaining her pension? The right hon. and gallant Officer, by his own showing admitted that a half-pay officer who was insulted by a civilian was not called upon to abstain from fighting a duel.

Sir *H. Hardinge*: I am sorry to be obliged to interrupt the noble Lord. I said this Article did not apply to those who were not amenable to court-martial. If an officer on full pay were grievously insulted in the streets by one on half-pay or a civilian, I said the proposed Article did not apply; for it would aggravate the evil we intended to put down if we thus placed officers on an unequal footing with their fellow-subjects. I thought it right to tell the whole truth, and say this Article would have no such effect. It was chiefly intended for the purpose of keeping up military discipline; and when applied to men holding high station, and actively pursuing their duties, I am in hopes it will gradually have the effect of suppressing this practice.

Viscount *Howick*: What the right hon. and gallant Officer now said, bore out his argument which was this:—let them refuse Mrs. Fawcett her pension if they meant to put down Duelling but not without; for the right hon. and gallant Officer said that an officer on half-pay could not be expected to abstain from fighting a duel if insulted. [" *No, No.*"] What else was the meaning of what the right hon. and gallant Officer said? By his own showing he was not prepared to put down Duelling, for this new Article of War was solely directed to the case of an officer on full pay, and left the case of an officer on half-pay as it now stood. But how could they expect duelling to cease in the army if they kept up the practice in civil life? He agreed with the right hon. and gallant Gentleman, that it was greatly to the credit of the army, that whilst the practice was sanctioned it was of such rare occurrence that they were now looking to a much wider question—to an evil not confined to officers in the Army, but extending also to civil life. He asked the House, then, once more to consider what was the advantage they proposed to gain by refusing this pension, unless it would have the effect of discouraging the practice generally? If no further useful or beneficial object were to be gained by such refusal, it would be a gratuitous act of hardship towards Mrs. Fawcett; but if such object were to be produced by it, individual hardship ought not to interfere.

Lord *C. Fitzroy* said, that with reference to the late unfortunate duel, one thing very much struck him as to Colonel Fawcett's conduct, and that was that it was not clear he had ever fired at his opponent. He never could understand why officers were held up as a pugnacious part of the community, and considering their profession he thought they did not deserve that character. He regretted that there seemed little prospect that the present debate would elicit from Her Majesty's Government the expression of a firm resolution to suppress the practice of Duelling. At present a most anomalous state of things existed; for the military authorities might bring officers to trial by Court-martial if they refused to fight a duel, and if they did fight, they ran the risk of being superseded; or, if they fell in the encounter, of pensions being refused to their widows or relatives.

Mr. *W. Cowper* regretted that so much of the present discussion had been conducted in what might be supposed to be a tone of indirect sanction of Duelling; and also that so much attention had been turned towards the peculiar circumstances of the duel which had proved fatal to Colonel Fawcett, as if the disapprobation of the House were to depend upon the manner in which the several steps of that affair had been carried on. The hon. Member for Finsbury had broadly stated that he considered no blame attached to Lieutenant Munro, while the hon. and gallant Member for Marylebone seemed to think that there was no harm in anybody fighting a duel, provided he did not go out with a first cousin or a near relative. He regarded Duelling as a crime condemned alike by the laws of God and of man, and he conceived that it was not justifiable under any circumstances whatever. The hon. Member for Weymouth (Mr. Bernal) had said that he doubted whether any individual would, upon the ground of religious scruples, refuse to fight a duel. He felt bound to say, and he did it without hesitation, that he, for one, would give such a refusal; and he also begged to inform that hon. Member that there were many officers of high reputation, both in the Army and Navy, who had on many occasions, exhibited their personal courage in the most indubitable manner, who had enrolled themselves in an Association for the suppression of Duelling, and who had thereby virtually pledged themselves not to engage in such transactions. He believed that the tide of public opinion in this country, was now setting in against the practice of Duelling; and he hoped that on a future occasion, when opportunity should be afforded for the purpose, a strong expression of this opinion would be made in that House: he hoped that an impression would not go forth to the public, from what had taken place to-night, that any feeling existed in that House in favour of continuing the practice of Duelling. There appeared to him to be two points that were new in the regulations which had been read to-night by the right hon. Secretary at War. One was that of taking into consideration the various degrees of culpability on the part of the seconds, with a view to their being punished with more or less severity; and the other related to the reference of disputes between officers to the commanding officers of regiments. He was glad that the latter regulation had been adopted, for he conceived that it was a step in the right direction. He wished, however, that power should be given to commanding officers to make inquiry into cases, and to summon courts-martial or courts of inquiry, for the purpose of examining the peculiar circumstances of the dispute, and dictating the apology which might be due from one or both parties. There were precedents for such a course. He found it stated in Mr. Samuel's History of the Army, that two disputes had been so settled by the Horse-Guards in the reign of George III. One case occurred in 1773, in a dispute between Lieutenant General Murray and Sir W. Draper; the other related to certain differences which arose out of the trial of Major Browne, of 67th Regiment. On these occasions His Majesty constituted the courts-martial of their respective regiments, into courts of honour for investigating the affair, with power to inquire into the grounds of quarrel, enjoining submission to their sentence, and exacting from all parties a pledge of honour to observe it. Much more would be done by the general measure of establishing Courts of Inquiry than by withdrawing the pension from any solitary and innocent victim of this unfortunate practice. Many modes could be pointed out by which an effectual substitute for duelling could be found. The subject was one well worthy of the care and attention of Her Majesty's Government. If they would but proceed still further in the direction in which they had entered, he was sure they would be supported by public opinion, and would gain much more credit than by taking the step they had done in reference to the late unhappy case.

Sir *R. H. Inglis* must express the cordial approval and pleasure with which he had listened to the declaration of the gallant officer who had just spoken—a declaration honourable to the gallant officer from the moral courage which dictated it, and requiring much higher courage than would be needed for accepting a challege. He did not pretend to enter into the immediate subject before the House, but he could not resist taking occasion to call on the Government to consider whether they might not exercise a sounder discretion in discountenancing the practice generally than had been exercised in the course of these proceedings. It might not be in the knowledge of every Member of the House, but he knew it was in the knowledge of the hon. and gallant Gentleman who had addressed them—it was in reference to the professional as well as to the personal character of the hon. Gentleman, that he had taken the liberty of paying him his humble tribute—and it was also in the knowledge of his noble Friend behind him, that an Association had been some time ago formed for the discouragement of Duelling. That Association did not ask for legislation generally on the subject, they asked only for such discouragement to be shown by the fountain of honour, as would best have shown the feeling of the authorities on this point, and they asked it only in terms, he would venture to say, the most respectful and at the same time earnest. They asked that Her Majesty would be graciously pleased to take into consideration the evils arising from the sin, and he would say crime, of Duelling. This Association numbered among its body members on both sides of the House; there were the noble Member for Chester, and the noble Lord the Member for Dorsetshire, and others; it was impossible to conceive any society, or question, more free from party pollution or taint, or more devoid of anything like a suspicion of political motive on the part of any of the Members. They had been received with personal courtesy, indeed, by his right hon. Friend the Secretary for the Home Department, when a deputation waited upon him; but he must complain of the written answer which, at a later period, the right hon. Gentleman had returned to their memorial. If they had been a body of Chartists, asking for the five points of the Charter, or of Leaguers, asking for a Repeal of the Corn-laws, their memorial could not have received a less satisfactory—he might be permitted to say, a less courteous answer. It was simply this: "I have the honour to acknowledge the receipt of the memorial to be presented to Her Majesty from your Lordship, and I have to acquaint you that I have laid the same before Her Majesty." His right hon. Friend might have reflected that the memorial came from a society composed of his supporters as well as his opponents—from officers both of the Army and Navy, and he might have given them a better answer. By so doing, his right hon. Friend would not have violated the rules of official propriety, and would have satisfied the wishes of many of his Friends. He repeated that he did not complain of any want of personal courtesy; but his right hon. Friend would have thrown discouragement on the practice even if he had stated no more than this, namely, that Her Majesty had taken the subject into consideration, and that she appreciated the purity of the motives of those from whom the memorial came. Thus a practice most hateful to God, and condemned by the laws of the country, would have been discouraged.

Mr. *W. O. Stanley* did not think, that the public would be satisfied with the mere declaration which had been made to-night on the part of the Government. What did the Government propose to do? Not to enact new and stringent laws for the suppression of Duelling, but merely to amend the old laws contained in the Articles of War. The right hon. Gentleman opposite had referred to one of the Articles which had been read to-night, as if it was a new regulation,—the Article which declared that Officers who refused a challenge were acquitted of all disgrace or disadvantage which might arise from such refusal—but that was in substance an old law. He did not consider this a sufficient regulation; for his conviction was, that, both as regarded the military and civilians, the Government should adopt firm and determined measures to suppress the practice of Duelling. The House would not be satisfied with a mere declaration on this subject, even from a law officer of the Crown; and he hoped the Government would be called upon to express their strong and decided disapproval of the majesty of the law having been outraged in the very presence of the Judges. There was one point in the case which had been brought specially under the notice of the House, which he thought deserved the consideration of the authorities at the Horse-Guards. He alluded to the assertion that, during the day which elapsed between the challenge being given and accepted in the case of Colonel Fawcett, the challenger and his second consulted five General Officers in the Army; and he asked the right hon. Baronet whether it was not known that the officer to whom he alluded consulted several Officers of high rank in his own regiment? [An hon. Member—"I hope not."] It had been contended, as essential to the welfare of the Army, that Officers should not shrink from fighting duels; but, for his own part, he believed that the honour and discipline of the Army might be fully and efficiently maintained if such a practice were suppressed. He hoped that some alteration would be made in the amended Articles of War to release Officers from their liability to be tried by court-martial if they refused to fight a duel, and that it would be made imperative upon all Commanding Officers, or Officers invested with supreme authority, to bring to trial by court-martial, all Officers who fought or engaged in duels. He did not, however, wish that Officers who were guilty of such offences should be cashiered, if there were circumstances which extenuated their conduct.

Mr. *Turner* exceedingly regretted the answer which had been given to the questions he had put to the right hon. Baronet on the subject of Duelling. Government having refused to take any further steps on the subject, he should be under the necessity of bringing the question forward in the best manner he could on Thursday next. The hon. and gallant Member for Weymouth had said, that the Motion he (Mr. Turner) meant to make would be of no service; but he thought that what had occurred that night had arisen chiefly from the notice he had put upon the Paper of the House. He felt very grateful for what had been already done to discountenance the practice, of which such general disapprobation had been expressed, and he was quite sure that, sooner or later, whatever might be the fate of his Resolution, Her Majesty's Government would be obliged to bring in a Bill for the entire suppression of the practice which all allowed to be unjustifiable.

Lord *R. Grosvenor* said, that the House would clearly be aware, from the allusions of the hon. Baronet opposite, of the opinions he entertained on the subject; but though, in his own case, he would admit of no compromise, he was willing to make great allowances for other persons. He felt that this was a most difficult question to deal with: and he was grateful to Her Majesty's Government for having taken up the subject, and for having gone so far as they had done. The House must feel that it would be impossible to apply a system of Legislation with reference to Duelling to the Army and Navy, unless they also legislated on the same question with regard to other classes of Her Majesty's subjects. He felt especially thankful to Her Majesty for having graciously permitted her name to be used for the discouragement of the practice of Duelling. He was sure after what had been said, more would be done on the subject. He trusted that those who felt with himself would afford some time for the matter to be settled. The habit and practice of Duelling was too deeply rooted to be destroyed in a moment. Any hurried legislation on the subject would only aggravate the evil. He would take another opportunity of stating to the House more fully his views on the subject.

Mr. *Brotherton* said, the hon. Baronet the Member for the University of Oxford had justly said, that the practice of Duelling was contrary to the word of God and opposed to the spirit of Christianity; and yet it was strange that Duelling was confined principally to the upper classes, those classes which were said to be the most civilized of mankind. He had no hesitation in stating that he would refuse to fight a duel, although he must confess that it did not require as much courage on his part to make such an avowal as it did on the part of the hon. and Member for Hertford, who had that night addressed the House. They could not make Christians by Acts of Parliament. There must be in existence first the principle of Christianity to influence the mind; if that influenced the mind, then the same spirit which discouraged Duelling would also discountenance all war. When the House was asked to pass a Vote of Thanks to the Army for distinguished services, then they saw the spirit which influenced military men. The man who killed one of his fellow-creatures was called a murderer, whilst he who caused the death of hundreds was called a hero. How great the inconsistency! Let it be considered disgraceful either to carry or send a challenge —let it be pronounced inconsistent with the character of a Christian and a Gentleman to do so. Let the House openly express its abhorrence of the practice. Were they to do so, he felt satisfied it would be followed by a good result.

Motion withdrawn.

Resolution agreed to.

IONIAN ISLANDS — EXPLANATION.] Lord *Stanley* took the opportunity of explaining, with respect to the discourtesy with which the hon. and gallant Member for Liverpool supposed himself to have been treated by the Government in relation to his suggestion of a diminution of the amount of the contribution levied from the inhabitants of the Ionian Islands, that there had been no intention of showing any discourtesy to his hon. and gallant Friend. The fact was, that a diminution of the amount levied from the Ionians for the purpose of military contribution had been recommended by the several Lord High Commissioners, of whom the hon. and gallant Officer was the first; and within the last fortnight the Treasury had actually come to the determination of diminishing the sum. It was not the practice, however, to communicate resolutions of this kind to any parties in this country before they were promulgated in the Colonies. The communication of the Treasury Minute on the subject to the Ionian Islands had yet been barely made, and under these circumstances, he had not made the hon. and gallant Officer acquainted with the decision come to, which was taken very much in consequence of the representations made by his hon. and gallant Friend on various occasions. He trusted the gallant Officer would be satisfied that no discourtesy was meant in not making him acquainted with the result.

Sir *H. Douglas* was perfectly satisfied with the noble Lord's explanation, and wished to know if he would have any objection to state the description and extent of the intended abatement?

Lord *Stanley* said, he would lay on the Table of the House the Minute of Treasury referred to. The principle on which it had been made was, that the reduction should be proportioned to the decline in the revenue of the Islands, which had considerably fallen off in the last two or three years. Their contribution was proportioned to the amount of revenue raised from them.

CONVEYANCES — ROMAN CATHOLIC CLERGYMEN.] Mr. *O'Connell* rose pursuant to notice, to move for leave to bring in a Bill relating to Roman Catholic Charities, and the tenure of land for Catholic worship in Ireland. He wished to have it most distinctly understood, that in offering this Bill to the notice of the House, he had not the slightest intention to impede or embarrass Her Majesty's Ministers in whatever measures they might have in contemplation to introduce respecting Ireland, and which were alluded to in the Queen's Speech. On the contrary, he thought the Bill he meant to propose would facilitate measures coming from the Government. He should also add, that he did not conceive any person whomsoever would be pledged to support this Bill in a future stage by the fact of his being permitted to lay it on the Table. His object was one of peculiar importance. He wished to obviate the great expense necessarily incurred upon going into a Court of Equity to establish the right to any bequest left by Roman Catholics for Roman Catholic purposes. The expense was ruinous to the parties concerned, and often absorbed the amount of the charity itself. He wished it to be clearly understood that he did not ask for the slightest extension of legal authority to apply to Roman Catholic purposes in Ireland any sums of money, bequests of money, and grants of land. The Statute of Charitable Uses was never enacted in Ireland, never in force there, and the Courts of Equity had at all times executed the trusts, and carried into effect charitable aids for Roman Catholic purposes; so much so, that several years ago a final decree of the Court of Chancery in Ireland applied a sum of 25,000*l.* to the purpose of saying masses for the repose of a soul. There was, therefore, at the present moment, a complete and unlimited capacity by deed and will, of bequeathing not only personal but landed property for Roman Catholic purposes. One great inconvenience, however, arose from the want of a settled residence and glebe for the Roman Catholic Clergy, who were frequently placed in a most distressing position in that respect. They were often very much in the power of their parishioners for the want of a permanent place of residence independent of their contributions. His object by this Bill was simply to give to Roman Catholic Archbishops, Bishops, and parish priests in Ireland a power of succession as in the case of a corporation, but not making them a corporation for other purposes than that of taking and conveying grants. That was the whole object of his Bill, to give a succession, a permanent title to deeds required for Roman Catholic purposes. He was not applying for public money, he was not applying for any contribution of any sort from the State or from the public funds. All they wished was, to obtain in a safe, secure, and inexpensive mode, those endowments which were essential to the respectability of the Catholic Clergy, and to secure them against any undue influence that might be exercised upon them. Having made this short statement, he did not feel warranted in trespassing longer upon the House, but would conclude by moving for leave to bring in a Bill to enable Roman Catholic Archbishops, Bishops, and Priests in Ireland to take grants and conveyances of land to them, and to their successors, without the intervention of trustees.

Leave given.

Bill brought in and read a first time.

House adjourned at nine o'clock.

HOUSE OF LORDS,

Tuesday, March 12, 1844.

MINUTES.] BILLS. *Private.*—1ª· Rodbard's Name.
Reported.—Schuster's Naturalization.

PETITIONS PRESENTED. By the Duke of Richmond, from Whitwell, and by the Earl of Rosebery, from Linlithgow, for Protection to Agriculture.—By the Bishop of Bangor, from Tindaethwy, and 3 other places, and by the Bishop of London, from Stottesdon, and 4 places, against the Union of Sees of St. Asaph and Bangor.—From Dissenting Congregations of Dublin, for Extending the Provisions of the Dissenters' Chapels Bill to Ireland.

PROTECTION TO AGRICULTURE.] The Earl of *Rosebery* said, he held in his hand a Petition for the Protection of Agriculture, which emanated at a county meeting at Linlithgow, that he, as Lord Lieutenant of that county, had convened, he having received a requisition signed by some of the most influential gentlemen, freeholders, and farmers, requesting him to call the meeting. There was not much speaking, he believed, when the Petition was proposed, but he was bound to say, that he believed it conveyed the sense of the majority of persons engaged in agriculture in that county, and it was in favour of the present Corn Laws. Although he did not concur in the sentiments of the Petition, still he felt bound to present it, as it had been entrusted to him with that view. The Petition was signed by a most respectable body of persons.

The Duke of *Richmond* said, that his noble Friend had remarked that there was no discussion at the meeting, and he (the Duke of Richmond) begged to ask why there should be? The Corn-Law question was not a new one, and it was not therefore necessary that it should be argued. The farmers had been charged by the Anti-Corn-Law League with being indifferent to the question, or with being friendly to a repeal of the Corn Laws, and they felt anxious to get rid of the disgrace of such an imputation. They determined upon showing the Anti-Corn-Law League that this was the case, by having meetings in all parts of the country, and petitioning Parliament. The farmers, however, were not averse to discussion, and in different places they fairly beat their opponents out of the field. He believed that the same result would follow in nearly all the counties of England if they had fair play. The landowners and farmers only desired to show that they were favourable to just protection, and that they were opposed to schemes that must end in the ruin of themselves, and of the labourers who were under their protection. He was glad to hear the noble Earl admit, that though he did not approve of the sentiments of the Petition, it nevertheless spoke the opinion of the great majority of the landowners and farmers of Linlithgowshire.

ECCLESIASTICAL COURTS BILL.] Lord *Campbell* having asked the Lord Chancellor respecting the progress of the Ecclesiastical Courts Bill, said, the next question he would ask related to a subject of very great importance. Individuals could not administer, so far as personal property was concerned, till probate was granted, which must be granted by the Ecclesiastical Court; and, under the present system, a great deal of hardship was experienced. For example, if a testator died worth 100,000*l.* in one diocese, a single probate was sufficient for that; but, if he had property to the amount of 10*l.* or 12*l.*, in another diocese, there must be probate granted with reference to that property. Now, he found in his noble and learned Friend's Bill nothing to remedy this inconvenience. It was, however, of the highest importance that some remedy should be devised to remove this inconvenience with respect to the passing of personal property. What he wished his noble and learned Friend, therefore, to explain to him was, what he intended to do in reference to those cases to which he had adverted? His noble Friend's Bill cured the evil retrospectively, by some very proper clauses, providing that all probates hitherto granted should be valid; but prospectively, he wished to know whether it was intended that hereafter, if probate were taken out *bonâ fide*, in any Diocesan Court respecting the *bona notabilia* of a testator, if it happened that of these *bona notabilia* to the amount of 5*l.* lay in another diocese, another probate should be taken out in the Court of that diocese?

The *Lord Chancellor* said, this was quite a voluntary proceeding on the part of his noble and learned Friend. The Bill was on the Table of the House, and no one was more able than his noble and learned Friend of reading and construing an Act of Parliament, and he was sure he had, with his wonted industry, read the Bill, and must then be able to answer himself. It was, as his noble and learned Friend observed, a most important measure; and he would take upon himself to say, had not been introduced until after grave consideration. Several successive Administrations had endeavoured to carry a measure of this kind and had failed. This Bill had been framed with great care and attention to the interests of different parties. It had been framed to pass. But if what his noble and learned Friend wished to do was adopted, he was afraid that the Bill would not pass at all. He admitted the existence of the inconvenience which his noble and learned Friend had pointed out, but he was quite sure that if what his noble and learned Friend proposed were adopted, the fate of the Bill would be similar to that of former attempts on the same subject. If his noble and learned Friend would suffer the Bill to pass, he might afterwards introduce another Bill for the purpose of extending it.

Lord *Campbell* said, he and others more competent than himself, had read the Bill, without being able to form a precise opinion as to the intention of his noble and learned Friend on the point adverted to, therefore he wished for information as to the intention of his noble and learned Friend. He now learned, that the law, as it stood, was to remain unaltered. He regretted it extremely. He knew that his noble and learned Friend might carry almost any Bill he pleased. But when this Bill was passed, he would probably be told that the time was gone by for the introduction of another.

Lord *Brougham* agreed that this was an important drawback upon a very important measure. The Bill had originated with himself in 1831, and he was sure, if his noble Friend who had spoken last was aware of the infinite difficulty of carrying any Bill at all on the subject, he would feel that they must be content with what they could get. He first brought it in as one Bill, then as two, then as six, then as two again, and then again as one, and when he went out of office it was reduced to its original state of unity, and it was the different interests—local interests—that created the difficulty, only exceeded by the extreme difficulty in passing the most useful and important alteration in the law that perhaps had ever been proposed—one in which he and all their Lordships, and all who possessed landed property in the country, had an interest—a General Registry Bill. That measure was defeated by precisely the same interest which defeated the Ecclesiastical Courts Bill—that important body, and as the Americans would call them—influential body of men, the practitioners in the Courts, who were too strong for its supporters. As Cromwell said, "The sons of Zeruiah were too strong for them." The Measure was defeated, whether in the shape of one, two, or six Bills, and therefore he agreed with his noble Friend on the Woolsack. He was glad to receive the great good which was contained in this Bill, and hoped that when it was passed a more perfect Measure would be introduced afterwards.

BUILDINGS' REGULATIONS BILL.] The Marquess of *Normanby* said, he observed that a Bill had been introduced into the other House for the better Regulation of new Buildings. That Bill was entirely confined to the metropolitan districts, to which he believed it to be less applicable than to other crowded cities and towns; and he thought the restricting it to the metropolis would increase the evil, because those speculators who should desire to run up buildings in contravention of prospective enactments would be warned by the Bill of what they might do, and what if the Bill were extended to other towns, they would be precluded from doing. He thought a little effort on the part of the Government might make the Bill applicable to other parts. If the Government wished to remedy the great evil that existed in the metropolis they would proceed with a Drainage Bill. There was one part of the Bill which would be of great use both in the metropolis and elsewhere, namely, the prohibition—except under certain regulations—against living in cellars, but this was still more wanted in other parts of the country. He wished, therefore, to ask whether it was not possible to extend the provisions of the Bill to other towns?—and he would put another question, upon which, if his noble Friend was not at present prepared to answer him, he would probably give him the information he desired at a future time. It would be in the recollection of their Lordships, that works had been undertaken for the construction of a park, called Victoria Park, which would tend to promote the health and comfort of those classes of the residents in the metropolis who were in a great measure shut out from the reach of those outlets for free air which were situate at the west end of the town. He wished to know what progress had been made in the Victoria Park, and why the progress of the works had been, if they were, suspended?

The Duke of *Buccleuch* said, he was not prepared at present to answer the last question put by the noble Marquess, but he would inform himself upon the subject. With regard to the Metropolitan Buildings Bill, it had been under consideration since 1841, and it had not been found since then that the number of houses run up, with a view to avoid prospective enactments, was so great as to create any very considerable evil. With regard to the principal towns, there were in some of them local Acts to regulate Buildings, and it would require great care to frame any measure which would affect them. It was desired that the present Bill should pass as it was, and when its true meaning and intention were understood, it would be in the power of the municipalities in large towns to consider whether its enactments were applicable to their districts. He was not disposed at present to recommend the extension of the Measure, because there was a prospect next Session of introducing a really effective measure, and that would occasion small expense to the country.

The Marquess of *Normanby* put it to the Government whether it would not be desirable to extend the provisions of that part of the Bill which referred to cellars now actually occupied to the suburbs of the metropolis, and other parts of the country. The parties occupying them were charged enormous rents, which they were obliged to pay, in order that they might reside in the district where their occupation called them.

The Marquess of *Salisbury* admitted the evil of having persons huddled together, but did not think the suggestion of the noble Marquess would diminish the expense to those parties, as they would have to pay still higher rents for new abodes.

MAYNOOTH COLLEGE.] Lord *Monteagle* said, the observations he was about to make were not observations recommending a new establishment or an additional collegiate foundation for the education of the Roman Catholic Clergy of Ireland. This was a question on which they were not called for the first time to argue upon, and therefore he should have less reluctance in expressing his opinions upon the matter. Their Lordships found the Roman Catholic Collegiate Establishment in that country neither unrecognized nor unsupported by the public; it was not an institution of the day; they found it established, and he doubted very much whether, in either House of Parliament, except amongst some clerical individuals, there was one individual—at least among those connected with the Administration of the country—who was prepared to abandon or destroy the existing Establishment. He would refer to the high authority of Mr. Spencer Perceval, a strong Protestant, and one not inclined to be favourable to the Roman Catholic religion, and yet no man stated more strongly than he did the obligation contracted at the Union to maintain an endowment for the Roman Catholic Clergy of Ireland. He (Mr. Perceval) stated in the strongest language that this Vote was connected with the contract of the Union itself. His (Lord Monteagle's) object in pressing this view of the subject was, to prove to noble Lords that they should bear in mind that he was not now arguing for the establishment of a Roman Catholic endowment in Ireland, but, having found that Institution in activity, he wished to impress upon the House and the Government the present condition and nature of the Establishment. He would ask them to inquire whether Maynooth was not an Establishment of great public interest; he would ask them to consider the object for which it was instituted, and then to decide if it were expedient that this college should be allowed to remain in its present state? He should say but very few words with regard to the state of education of the Roman Catholic priesthood in Ireland before the foundation of Maynooth in 1795. By a series of statutes the Irish Government had first prohibited the domestic education of the Roman Catholics both lay and clerical; and when candidates for orders were consequently obliged to be sent to other countries, the Legislature again and barbarously interposed, rendering foreign education penal likewise. Thus many serious evils were produced, for which the Irish Government was responsible. As the result of such Acts of Parliament, foreign countries were made attentive to the many advantages which this unnatural state of things held out to them; and as appeared from Papers laid before the House, a provision for the education of nearly 500 Roman Catholic

Ecclesiastics was made prior to 1795 in various foreign countries throughout Europe. Those Papers had been laid before Parliament when the noble Duke opposite was Chief Secretary for Ireland, and they showed that before 1795 there were two considerable Colleges established for this purpose at Paris, and one at each of the following places,—Nantes, Bordeaux, St. Omer, Lisle, Antwerp, Salamanca, Douay, Rome, and Lisbon; and that there were endowments provided by various European states for no fewer than 478 scholars and twenty-seven teachers. Many such establishments were gratuitous, and were partly founded by the wise munificence of different sovereigns; the Sovereign of England prohibiting the very education which Foreign Powers so sedulously encouraged; the Kings of France and Spain, and many other Foreign Potentates, founded Colleges, at which the education was applicable to a class considered as poor scholars, while the richer Roman Catholics in this country formed what were called bourses or scholarships, by which students could be educated abroad gratuitously. The education thus given was for the most part, gratuitous, and chiefly applicable only to that class—the poorer class, from which it had been argued that Roman Catholic Clergymen were too exclusively selected. He was quite ready to admit that many of the Irish priesthood, who were educated abroad before the Revolution, returned to Ireland men of very enlightened minds, of liberal character, of great accomplishments and learning, and that on obtaining benefices in their own country they were justly to be regarded as eminent ornaments to the Church to which they belonged, and a great addition to the society of which they formed a part. He was aware it might thence be argued that a similar result would now be apparent, as a consequence of foreign education, and that they would probably see a superior class of Clergy introduced into Ireland, if that country were left without means of a domestic Education. But, with some knowledge of clergymen educated at home and abroad, he ventured to doubt that the same result would now follow a Continental Education that attended it before the French Revolution. At that time the Irish Clergy were received on the Continent into the highest families; men were chosen from amongst them to act as Chaplains to the noblest families, even to the Royal Family itself; they, in fact, from their piety and virtue obtained and deserved a preference over the Clergy of the countries in which they resided. As a strong illustration of this interesting fact, he might remind the House that the ecclesiastic who attended Louis XVI. in his last moments was a distinguished Irishman—the Abbé Edgeworth. But these advantages were no longer open to the Irish priesthood, who were now educated abroad under very different circumstances, and between whom and those educated at home there was no very traceable superiority. It was a mistake to imagine that political excitement was peculiar to the Maynooth priests. Without mentioning names, he might observe that a Roman Catholic Bishop, who had been frequently adverted to in no very favourable terms in their Lordships' House for his political vehemence, had been educated in France and other parts of the Continent. Foreign education, therefore, ought not to be relied on as the means by which the Irish priesthood could be educated so as to confer the greatest advantages on the Irish people. No one had considered this question more deeply than Mr. Leslie Foster. He had so considered it without any Roman Catholic predilections. He was one of the Commissioners who had conducted a protracted and laborious investigation as to the whole internal management and discipline, and, to a certain extent, the doctrines of Maynooth College; and, opposed though he was to the Catholic Question, he entirely approved of that Institution as a substitution for St. Omer and other Colleges on the Continent. He (Lord Monteagle) wished the House to bear in mind that one of the characteristics which distinguished Mr. Grattan in his attachment to his native country, was the horror he ever felt with regard to any political connection between Ireland and foreign countries, and, above all, between Ireland and France; therefore he (Mr. Grattan) always warned the House of Commons and the Government to withdraw the young Ecclesiastics from the Continent, by providing them with a proper education at home. The same opinion had been held by the highest authorities among the Irish ecclesiastics themselves and was indicated to be a sound one by the counter-movement of one who was not indifferent to the advantages he might gain by establishing an interest in

Ireland—he meant the Emperor Napoleon. In France, the establishments which were instituted for that purpose were destroyed during the Revolution, but they still existed in Spain and Portugal. He (Napoleon) made the students there most munificent offers if they would quit the Peninsula and accept educational establishments in France. The answer that was given was one befitting the loyalty of British subjects. The answer given was, that the Irish students would not accept such offers, nor receive education tendered to them by a Sovereign who was at war with Britain. The Roman Catholic Bishops carried the matter further, and issued an Ecclesiastical document, forewarning Ecclesiastical students, that if any student accepted the offer of Napoleon all ordination—all support—all maintenance — all Ecclesiastical promotion should be withheld and refused. He wished to impress these facts upon their Lordships, for the purpose of removing from their minds the supposition that foreign education was a good, or could be taken as a boon. Foreign education—as Grattan said —might make the students Deists in religion, or if not Deists in religion, anti-British and Papistical in politics; but certainly not good Catholics or good priests for instructing the people of Ireland. The foundation of Maynooth took place in 1795, under no mean auspices. Mr. Pitt was its founder; he acted on the suggestion of Edmund Burke, and an Irish Roman Catholic prelate, Dr. Hussey, was the first President. It had been said, plausibly enough, that there was something narrow and monastic, too bigotted and exclusive, in an establishment which gave only an ecclesiastical education; and it had been asked, too, why confine this education exclusively to Roman Catholics? The first application made to Parliament by the Roman Catholics of Ireland for the endowment of this College did not contemplate exclusiveness, but prayed that the College might be open to Protestants as well as to Catholics. The Irish House of Commons answered that prayer, undoubtedly, by endowing the College, but they accompanied the endowment with a direct prohibition, by statute, against receiving any Protestant within its walls, or the child of any Protestant. He was not arguing whether such restriction was right or wrong, but he said it was not fair to stigmatize the institution on account of its exclusive character, when of that very exclusiveness they themselves were the authors. When the College was first founded it was not confined to ecclesiastical education; there was a lay college attached, and many laymen did receive their education in that college; among others, he believed was to be found an hon. Gentleman now a Member of the House of Commons —Mr. Corbally. But in 1801 or 1802 Mr. Abbott, the late Lord Colchester, then Secretary for Ireland, complained of that lay education as a diversion of the funds allowed by Parliament. As to the charge that the College was too exclusively ecclesiastic, not all who were educated there took the priestly office, though it was the general road to it. It was supported by Lord Castlereagh. The connection of the late Mr. Alexander Knox with Maynooth was a strong argument of his approval of that Establishment, because nobody who knew that Gentleman could think pecuniary considerations alone would induce him to be associated with an institution he condemned. He continued up to his death the agent for Maynooth, and the medium of communication between the College and the Government. During the existence of that College, during somewhat more than half a century, its proceedings had not remained unnoticed by Parliament, or unanimadverted upon. No public establishment had been more strictly scrutinized. During the Whig Government of 1807 an increase was made in the grant. That increase was much questioned. The succeeding Government of the noble Duke applied to the authorities of the College to know upon what grounds the grant had been increased, and why it should be continued at the increased rate. That letter contained minute and acute queries upon various points, and on these returns, for the most part, he now founded the motion with which he intended to conclude. The letter was written by Sir Arthur Wellesley, and it was as follows:—

> "With the view to ascertain the grounds on which the application was made in the last Session for an increase of the grant to the College of Maynooth, and whether any grounds exist to require an extension of the Establishment at Maynooth, and to justify the continuance of the additional grant from Parliament, I have been directed to require answers to the enclosed queries.
>
> "I have the honour to be, &c.
>
> "ARTHUR WELLESLEY."

Even at that period, then, the noble Duke's purpose of inquiry was to ascertain what justification there was for an increased grant; and there was nothing in his letter holding out the slightest intention of withholding it. He would undertake to show grounds, now existing, for altering the course previously pursued towards that establishment, and, therefore, without calling upon the noble Duke to admit any principle whatsoever not laid down in his original correspondence, he would ask him to give due weight to facts he was about to state. In 1813 Mr. Ryder examined into the condition of Maynooth. Again, in 1817, further Papers with respect to the course of study and system of education pursued there were called for and produced. During the Government of Lord Wellesley reports having been circulated that disaffection and a dangerous spirit of combination had been introduced among the students, the trustees applied to the Lord Lieutenant to send down a special visitor; this request was not granted, the usual visitation being near at hand; and when that visitation occurred, the Lord Chancellor of Ireland attended, and after investigating the matter informed the trustees that there was not a shadow of ground for the calumnious imputation. In 1826 a Royal Commission was appointed to inquire into all educational establishments in Ireland, and made a searching investigation into the system of Maynooth. The grant had been annually renewed, after all these inquiries had been made by various Governments; it had never been withdrawn, and he did not think that any one in office under the Crown had any intention or desire to withdraw it. But, though he did not apprehend that any considerable number of persons in this country, or any persons in authority, had such a desire, he feared that from ignorance of the facts of the case, there might be some indisposition to deal with this establishment in a proper manner by making a larger extension of liberality towards it. There were about 500 ecclesiastical students; 250 had been supported by Parliament by an annual vote of about 9,000*l.* a year, which amount remained unaltered with one trifling variation, an increase of 700*l.*, whilst almost every other Irish vote had increased. What did their Lordships think was the amount munificently given for the purpose of educating men for the sacred ministry of their own faith? The utmost sum given by Parliament, for the education of each priest, and including commons, fuel, and candles, was 23*l.* a-year! Their Lordships paid their lowest menial servants more than this wretched pittance, besides allowing clothing and other advantages. Yet too many men turned round and expressed surprise that the priesthood of Ireland were not of a higher class, that they were not superior persons, and better educated! Parliament thought it performed its duty by allowing 23*l.* per annum for the education of a priest! But sometimes this paltry sum was not given; the demands were so great for an increased number of clergy, that even this sum was divided between two students. If Parliament undertook to educate a priesthood competent to become the instructors of the people, and if it performed the task inefficiently it was almost as much an insult as a boon. The demand for Roman Catholic priests in Ireland was so great and so rapid in its increase, that as Dr. Crotty stated, they were often obliged to dismiss students before their education was completed. One of the causes of this was, and a cause which redounded to the honour of the Roman Catholic priesthood — the readiness with which they exposed themselves to risks, and the toil they freely underwent in the performance of their duties among the people. In one year in the county of Kerry ten Roman Catholic priests were carried off by typhus fever, caught whilst engaged in their duties. In the diocese of Clogher upwards of twenty Roman Catholic priests had died of fever in one year. He wished the Members of Her Majesty's Government, he wished those who had to decide this Question, would but visit Maynooth, and examine the building, and ask themselves whether it was physically possible to give the average number of students within the walls of that establishment an education fit for the ecclesiastics of any Christian sect or country whatever? Three persons were at times compelled to occupy one room; everything was out of repair and in a state of dilapidation. Did Parliament wish to improve the habits of the Irish people? Ought they not then to improve the habits of that clergy, who during seven years were pent up in the incomplete establishment of Maynooth? Dr. Murray had stated the building was incomplete, and the students too numerous for the accommodation it afforded. Dr. Crotty made a similar statement. The place was poverty-stricken; it was without the proper appliances for the use of the tutors and lecturers. It had been stated in evidence that one professor had to transcribe their course of lectures, and another to dictate, in consequence of their being without the means of procuring sufficient books. He would ask their Lordships if this state of things ought to be continued? No doubt the noble Duke came to an accurate conclusion at the time he made the inquiry; but there was conclusive evidence that a different opinion now be formed. At the foundation of Maynooth the population of Ireland was 4,500,000; at the time the noble Duke made his inquiries it did not amount to 5,500,000; at present it was 8,100,000; and the great increase unquestionably had been on the part of the Roman Catholics. He was the last person to say a word which could be interpreted as giving a preference over his own, to a religion from which he entirely dissented. But at the same time he would say there was a greater necessity for an increased number of clergymen of the Roman Catholic persuasion than for those of the Church of England, because the personal labours of the Catholic priest were much more unremitting than those of his Protestant brother: they were incessant in Ireland. In Maynooth there ought to be a scientific and literary education, as well as a theological one; but they had no apparatus; they had no adequate supply of books; they had no means of conveying to the students that knowledge which was received elsewhere, and which students educated for the priesthood ought to get. Whether they were dealing with Catholics or Protestants, the duty was the same. The Christian instructors of both faiths should have the benefit of the best and most enlarged education. If a preference were to be given, on grounds of mere expediency, it should be given to those belonging to the religion of the majority of the people. To anticipate an objection, which had been as frequently, as it was ignorantly made, he would mention that it was a rule that every ecclesiastical student, on entering the College, should be provided with a Bible, and that College, notwithstanding its poverty, had at one time supplied its inmates with 300 Bibles, and the Roman Catholic ecclesiastics at the same time had taken measures to reduce the price of the Bible for general distribution from two guineas and a half to 14*s*., the present price; they had omitted also every comment and note of an acrimonious nature and which could be, with truth, considered offensive to their Protestant brethren. In a very clever book upon Ireland, published anonymously this year, he found a description of Maynooth so thoroughly graphic, that he would beg to read it to their Lordships:—

> "An accurate description of Maynooth would be of necessity so disagreeable, that it is best to pass over it in a few words. An Irish Union-house is a palace to it. Ruin so needless, filth so disgusting, such a look of lazy squalor, no Englishman who has not seen it can conceive. Lecture-room and dining-hall, kitchen and students' rooms are all the same. Why should the place be so shamefully ruinous and foully dirty?"

Such was the Parliamentary Establishment for educating the Roman Catholic Clergy of Ireland. Now, Parliament could do much to remedy the state of things he had described, and this without much difficulty—nay, with the greatest facility; and he, therefore, entreated their Lordships and the Government to give the subject their most serious attention. He was convinced, that if an enlarged and liberal view were taken of this question, Parliament could, by acting liberally towards Maynooth, do more quietly and unostentatiously to promote the general improvement of Ireland than by many of the means which were loudly insisted upon by declaimers; indeed, this was no popular grievance; many of those who took the most vehement tone in agitating the people of Ireland, did not urge the Government to continue the grant to Maynooth at all; but the quieter and better disposed desired to see the Roman Catholic ecclesiastics enjoying the best and most comprehensive, and most liberal education which it was practicable to give them, so that they might be placed on a level with the higher ranks of the community around them, and thus be admitted to the companionship of the country gentlemen and resident nobility, of both denominations, and of the Protestant clergy themselves, by having their condition improved, their minds liberalized, and being thus rendered, what they ought to be, not only the spiritual but the intellectual guides of the people. The present was just the moment, when the Government, after taking strong measures to enforce their own opinions, and to put down views adverse to their own, the present was the moment when they could most favourably introduce measures really tending to improve the character and condition of the Irish people. A measure of the kind he had now proposed would, above all others, have the highly beneficial effect of showing the people of that country that Parliament and the Government sympathized with them on a subject, upon which it had hitherto been considered that Government was either apathetic, most unwilling, or most adverse. The Government might thus show that they truly desired to promote, at once the spiritual and the temporal advancement of the people. The establishment of Maynooth ought immediately to be placed upon a higher footing, so as to fit it for the reception and education of the better classes. As it was, it was hardly to be expected that children, who had been brought up in a happy and comfortable and respectable home, would willingly be sent to such an establishment as he had shown this to be. The Roman Catholic bishops took the greatest pains to raise the character of the institution, but they possibly could not overcome the great difficulties which impeded their wise and benevolent object. What said Dr. Crotty on this subject, in his evidence in 1826?

> "I know that the Roman Catholic bishops are always anxious to procure young men of the most decent families to be members of Maynooth; but I know likewise, in the present state of the country, it would be impossible to find a sufficient number of that description to supply the wants of the Roman Catholic Ministers. The labours of a Roman Catholic clergyman are greater than the public at large are aware of; they are frequently exposed to the most imminent danger of losing their lives in going out at night and visiting the most wretched hovels of the peasantry, where nothing is to be found but misery and contagious disorder, there is no temporal inducement for the children of the higher classes to become Roman Catholic Ecclesiastics in Ireland."

A more liberal treatment should be introduced, scientific and liberal education superadded, the professors adequately supported, and proper appliances for instruction in each branch of knowledge be supplied. There should be competition in various classes of composition, the best specimens of which should be sent forth for the suffrage of the public; and, in the absence of fellowships and tutorships, small prizes of the nature of exhibitions should be awarded to the more meritorious students, on which, for three or four years, they might be able to maintain themselves after leaving the colleges and until they had obtained employment. This might be done for a very small sum; even 800*l.* a-year would produce a great deal of good in this way. As to the building itself it should be put into proper repair, and be placed permanently under the care of the Board of Works, to be upheld in the same way as other public edifices. The best proof of the present penury of the institution which he could give was this, that last year they were in such distress that, in default of the means of supporting the students there, they were obliged to continue their vacation for a period of several continuous months. It might be suggested that his object was to secularize the Roman Catholic Clergy, and thereby to render them less effective in their spiritual character; but nothing could be more foreign from his views; nothing could be more mischievous, his whole argument went simply to prove the necessity of making them more enlightened, and in making them more enlightened, to render them better ministers of religion, better spiritual, because also better intellectual, guides of the people. That respected Prelate the late Dr. Baines, and the learned and excellent Bishop Wiseman were not less admirable as ecclesiastics, because they were two of the most accomplished scholars of Europe. Was Bossuet less energetic, as a defender of his Church because he emulated the masters of ancient eloquence. By improving the condition and character of this College, the Government and Parliament would operate beneficially upon the most important class of persons in Ireland; that class which had it in its power to be the agents of more moral good than any other class there. Get the hearts and feelings of the Roman Catholic Clergy with you, and they would become your fellow-labourers in all good works, and you would soon effect vast benefits for Ireland. There ought to be no difficulty of a pecuniary nature which should prevent Government from taking the desired course with reference to Maynooth. In the thirty years which followed the Union, upwards of 700,000*l.* had been expended by the Government on the Charter Schools, which their own Commissioners had altogether condemned. Another sum of 780,000*l.* had been expended on the Foundling Hospital in Dublin, which had been voted a nuisance, and abolished accordingly. The sums which had been assigned for these two purposes, showed that towards an object which was deemed, however erroneously, to be beneficial, the Government of this country was quite willing to display its liberality, He trusted that its liberality, in every sense of the word, would be extended to the institution to which he had now called their Lordships' attention. The noble Lord concluded with moving for certain Papers relative to the Roman Catholic College of Maynooth.

The Duke of *Wellington* was not at all surprised at the noble Lord's having called their attention to this subject; it was one of very great interest undoubtedly, but he must say he regretted that, instead of entering so deeply as he had done into the subject now, the noble Lord had not adopted the proposition which he (the Duke of Wellington) submitted to the noble Marquess opposite on the subject, on Thursday last, and delayed making his statement until the Papers were before the House. The reason why, on Thursday last, he had requested this motion to be postponed from the Friday till the Tuesday following, was, that he desired an opportunity of looking over the voluminous information now before Parliament. He had no sort of objection to give the papers moved for, but he wished, as he had just said, that any discussion on the subject had been postponed until they were actually before the House. He had since Thursday endeavoured to collect all the information he could on the subject, but certainly the noble Lord had now stated many facts of which he was entirely ignorant. He certainly had not been aware of the state of things described. The statements made on this occasion by the noble Lord were perfectly correct, as appeared from the records already on their Lordships' Table. He did not exactly recollect the letter which the noble Lord had read, which was signed by him more than thirty-five or forty years ago, but he must undoubtedly have acted by order of the Government of the time, and must have reported to the Government the answer which he received to the communication. He did not recollect what the grievances referred to were, but he did recollect the question respecting an augmentation of the grant, and that a determination was arrived at to reduce it to the amount at which it was before, and so the grant continued till, he thought, the year 1812, when it was augmented on the score of building, by 7,000*l.* or something of that kind. Doubtless, there could be no subject more interesting than this could be to the House of Lords. This was an institution formed by the Irish Parliament in 1795; the Act was amended by another Act in 1800, before the Union, so that the institution was entirely formed by the Irish Parliament before the Union. The Act of 1800, indeed, was amended by the Imperial Parliament in 1808, but, he would repeat the institution itself was entirely formed of the Irish Parliament, and came to their Lordships altogether as from that body. As he had said before, he did wish this discussion had been postponed until they should have had all the information which it was intended they should have, in consequence of the production of these Papers upon their Lordships' Table. He had no objection to produce the Papers, but he should only be deceiving their Lordships, if he did not say that he stated this without conveying any present intention on the part of the Government to make any alteration in this grant. Undoubtedly the Government must take the whole subject into their consideration, though, he would repeat, there was no intention that any alteration should be made in the grant. If such an intention, however, were to be entertained, it would be announced in the first instance in that quarter where the grant must originate. He trusted he might be excused from going further into the subject now; he fully admitted the statement of the noble Lord to be a most important one, and he could promise that all the facts the noble Lord had set forth should be taken into mature consideration.

The Marquess of *Lansdowne* could not allow this discussion to close without expressing his feeling that Ireland was greatly indebted to his noble Friend for having called the attention of their Lordships, thus fully and thus ably to a most important subject. The noble Duke seemed to think it would have been better to postpone the statement until the promised Papers were before the House; but he (the Marquess of Lansdowne), with the information already before Parliament, did not think that any new facts which could be elicited, would in any degree interfere with those general views of policy which his noble Friend had taken an early opportunity that Session of inculcating, with a view, which his noble Friend would not disclaim, of calling the attention of Parliament to the subject at a period when they might be enabled either to legislate, if legislation were deemed advisable, or to add, under the sanction of Government, to the amount of the Vote now yearly proposed. He considered that his noble Friend was quite justified in anticipating that the Government would be by this time fully prepared for the consideration of the subject. For this was no new subject. Year after year it had been pressed on the consideration of the Government, in various forms. In the very last year it had been pressed on the Government, which professed itself ready to give it the consideration which its importance merited. The Government which talked of educating the people, could not reasonably decline to take into its immediate and serious consideration the primary object of educating the educators. Parliament had a right to expect, that during the recess, the Government would have collected every available information, and have taken it into their mature consideration, so as to form some distinct opinion on the subject. Delay in deciding this question had been the besetting sin of all Governments for the last forty or fifty years; after the principle had been adopted by the Irish Parliament, and recognised by the English Parliament, the principle had never been applied practically in the way it ought to be applied,—to provide the most proper and fit instruments that could be provided for the education of the Catholics of Ireland, and adequate in point of ability and of number. It was notorious that the supply was not adequate to the necessity of the case. Owing to the great narrowness of the means at Maynooth, persons were sent out whether or not they were willing or qualified. The tendency of the narrowness of the institution was to disunite the Roman Catholic priesthood from the proprietors, instead of blending them as much as possible with them. They were, under various pretences, delaying from year to year the duty of endeavouring to induce the Roman Catholic Clergy to blend heartily with the population at large. All those were considerations which he could not admit ought to be delayed for a moment. They had been too long delayed already. Their Lordships had plenty of information before them; the history of Maynooth was before them; the consequences of that history were before them; and the consequence of the negligence of Parliament and of the Government upon the subject was before them. He did think, unless the House was prepared to take the course which he was sure the noble Duke would not recommend—of destroying that establishment altogether, that Parliament was bound in justice to the Irish people to provide for the education of their Clergy; for if they would not renounce the establishment, they must take that which was the only other line open to them, and proceed to give it that ample and complete effect which alone could insure good and permanent consequences. He (the Marquess of Lansdowne) therefore did think, that the public should not only be obliged to his noble Friend near him for calling the attention of the Government to this subject, but that the public was more particularly indebted to him for bringing the matter forward at this early period of the Session. He (the Marquess of Lansdowne) was convinced that the discussion, such as it had been, could have but one effect—that of throwing upon Her Majesty's Government the responsibility of omitting to effect that reform in the establishment which they had been discussing—a reform which circumstances for years had called for, but never so imperiously as they did at this moment.

Lord *Monteagle* shortly replied, and the Motion was put and agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, March 12, 1844.

MINUTES.] BILLS. *Public.*—1°. Gold and Silver Wares; International Copyright.

2°. Gaming Transactions (Witnesses Indemnity); 3½ per Cent. Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund (8,000,000*l.*).

Private.—1°. European Life Insurance and Annuity Company; Gorbal's Statute Labour; Newcastle and Darlington Junction Railway, and Tyne Bridge; Pontop and South Shields Railway; Swansea Improvement.

2°. Epsom and South Western Railway; Croydon and Epsom Railway; Newquay Harbour and Railway; Sheffield United Gas; Farrington and Cwmgilla Inclosure; Bleddfa and Llangunllo Inclosure; Canterbury Pavement.

PETITIONS PRESENTED. From Leamington Priors, and

Chester, respecting Exempting Licensed Victuallers from Window Tax. — By Sir R. Inglis, from Hereford, and 2 other places, against Union of Sees of St. Asaph and Bangor.—By Mr. Wallace, from Bermondsey, complaining of the impure state of the Water supplied by the Lambeth Waterworks Company.—By Messrs. J. S. Wortley, V. Smith, and Williams, from Merchants and others, in favour of Free Competition in the Carriage of Goods by Railway.—By Mr. J. S. Wortley, from Scarr End, Mr. Warburton, from Kendal, and by Mr. Beckett, from numerous other places, against the Factories Bill.—By Sir R. Inglis, from Keighley, in favour of the Ten Hours Factory Bill.—By Mr. Warburton, from Kendal, against the Poor Law Amendment Bill.—From Colby, in favour of Commons' Inclosure. — By Mr. R. Trevor, from Kidwelly, for Establishing Local Courts.—By Mr. W. Patten, from Preston, against the Duty on Raw Cotton.—From London, against the Duty on Tobacco.—From Chairman of Improved Currency League, for Alteration of the Present System of Currency.

MILITARY DISCIPLINE—DUELLING.] Mr. *Gill* inquired of the right hon. Baronet (Sir H. Hardinge), pursuant to notice—first, whether the right hon. Baronet was aware that two officers of the 76th Regiment of Foot at Devonport had been under arrest since the 14th of July, for the space of eight months, in consequence of a dispute, and to prevent evil consequences? Secondly, did the right hon. Baronet know that application had been made in the months of December and January last on behalf of one of these officers by letter to the Horse Guards, desiring to know the charges made against him? and if such was the case, what notice had been taken of those letters? Thirdly, had the right hon. Baronet any objection to state the grounds of the arrest, and the reason why they had not been either released or had their case submitted to a competent tribunal for trial? Lastly, he wished to know whether it were not contrary to the 107th Article of War to continue an officer under arrest for more than eight days without giving him the benefit of a court-martial?

Sir *H. Hardinge* said, in answer to the first question of the hon. Member, he had heard that two officers of the 76th Regiment of Foot had been arrested, and that they had been put under arrest on account of a dispute, and to prevent further consequences. As to the application on behalf of one of the officers, some letters, he was aware, had been addressed to the Horse-Guards. The next question put to him was, if he had any objection to state the grounds of the arrest, and whether the officers ought not to have been released or put upon their trials. The hon. Member alluded to the 107th Article of War. He did not carry the Articles of War about with him at his own fingers' ends, but would state the reasons why the two officers had been placed under arrest. One of them, a junior officer, was the bearer of a challenge to a senior officer, and in consequence the challenge was accepted. Both the officers had been placed under arrest in consequence. After being arrested the junior officer had made the most ample apologies, which were accepted by the other, and the aggressor, who was very much in the wrong, was about to be tried by court-martial for his conduct. The other was not so much to blame. About that time measures were in contemplation by the Commander-in-Chief to suppress Duelling, and he intended that these parties should be tried under the new arrangement. They were therefore arrested for a period, and, as both had violated their duty in an unjustifiable manner, the Commander-in-Chief punished them by arrest at large, while they were not allowed to attend at mess, or wear their swords, or do duty on parade. Under these circumstances the Commander-in-Chief, bearing in mind that they had been so long under arrest, intended to release them immediately, after a suitable admonition.

Captain *Bernal* asked if it was not the case that by the Articles of War no officer could be kept under arrest for more than eight days, without being brought to a court-martial?

Sir *H. Hardinge.*—Certainly not. Any officer might be kept under arrest for a longer time by the order of the Commander-in-Chief.

PROTECTIVE DUTIES—THE AGRICULTURAL INTEREST.]* Mr. *Cobden* rose to bring forward his Motion for a Select Committee to inquire into the effects of Protective Duties on imports on the interest of the tenant-farmers and farm-labourers of this country. He said—Sir, the Motion which I have to make is one of a nature which I believe is not ordinarily refused; it is for a Select Committee to sit up stairs, to take evidence on a question that excites great controversy out of doors, and which I believe is likely to cause considerable discussion in this House. It may be thought that my Motion might have been appropriately placed in other hands. I am of that opinion too. I think it might have been more properly brought forward by a Gentleman on the other side of the House, particularly by an honourable Member connected with the counties of Wiltshire or Dorsetshire. But, although not myself a county Member, that does not necessarily preclude me from taking a prominent part in a question affecting the interests of the tenant-farmers and farm-labourers of this country, for whom I feel as strong a sympathy as for any other class of my countrymen; nay, I stand here on this occasion as the advocate of what I conscientiously believe to be the interests of the agriculturists. We have instances of Committees being appointed to take evidence as to the importation of silk, the exportation of machinery, the navigation laws, on all questions of similar importance. It must also be admitted that such Committees have been appointed without the parties more immediately concerned having in the first instance, petitioned the House for their appointment. On the appointment of the Committee relative to the exportation of machinery, the Motion was granted, not at the instance of manufacturers who had a monoply of the use of machinery, but by parties whose interests were concerned in the making and exporting of machinery. I do not therefore anticipate that my Motion will be resisted on the ground that no petitions have been presented demanding it. I shall now state what my views will be on entering the Committee. I shall be prepared to bring important evidence forward, shewing the effects of "protection," as it is called, on the agriculturists by the examination of farmers themselves. I will, in fact, not bring forward a single witness before that Committee who shall not be a tenant-farmer, or a landed proprietor, and they shall be persons eminent for their reputation as practical agriculturists. The opinion which I shall hold on entering the Committee is, that "protection," as it is called, instead of being beneficial, is delusive and injurious to the tenant-farmers; and that opinion I shall be prepared to sustain by the evidence of tenant farmers themselves. I wish it to be understood I do not admit that what is called protection to agriculturists has ever been any protection at all to them; on the contrary, I hold that its only effect has been to mislead them. This has been denied both in this House and out of doors. I have recently read over again the evidence taken before the Committees which sat previous to the passing of the Corn Law of 1815, and I leave it to any man to say whether it was not contended at that time that sufficient protection could not be given to the agriculturists unless they got 80*s.* a quarter for wheat. I wish to remind the hon. Member for Wiltshire (Mr. Bennett) that he gave it as his opinion before the Committee of 1814, that wheat could not be grown in this country, unless the farmers got 96*s.* a quarter, or 12*s.* a bushel for it, while now he is supporting a Minister who only proposes to give the farmers 56*s.* a quarter, and confesses he cannot guarantee even that. It is denied that this House has ever promised to guarantee prices for their produce to the farmers. Now, what was the custom of the country from the passing of the Corn Law in 1815? Why, I will bring old men before the Committee who will state that farmers valued their farms from that time by a computation of wheat being at 80*s.* a quarter. I can also prove that agricultural societies which met in 1821, passed resolutions declaring that they were deceived by the Act of 1815, that they had taken farms calculating upon selling wheat at 80*s.*, while, in fact, it had fallen to little more than 50*s.* In the Committee which sat in 1836, witnesses stated that they had been deceived in the price of their corn; and I ask whether, at the present moment, rents are not fixed rather with reference to certain Acts that were passed than the intrinsic worth of the farms? In consequence of the alteration that was made in the Corn Law of 1842, the rent of farms has been assessed on the ground of corn being 56*s.* a quarter. I know an instance where a party occupying his own land was rated at a certain amount, viz., at the valuation of corn being 56*s.* a quarter, while, in fact, it was selling at 47*s.*; and, upon his asking why he had been so rated, he was told that the assessors had taken that mode of valuation in consequence of what the Prime Minister had stated was to be the price of corn. ["Oh, oh."] Hon. Gentlemen may cry, "Oh, oh," but I will bring forward that very case, and prove what I have stated concerning it. What I wish in going into Committee is, to convince the farmers of Great Britain that this House has not the power to regulate or sustain the price of their commodities. The right hon. Baronet opposite (Sir R.

---

* Reprinted from a corrected Report published by Ridgeway.

Peel) has confessed that he cannot regulate the wages of labour or the profits of trade. Now, the farmers are dependent for their prices upon the wages of the labourer, and the profits of the trader and manufacturer; and if the Government cannot regulate these—if it cannot guarantee a certain amount of wages to the one, or a fixed profit to the other—how can it regulate the price of agricultural produce? The first point to which I should wish to make this Committee instrumental is to fix in the minds of the farmers the fact that this House exaggerates its power to sustain or enhance prices by direct acts of legislation. The farmer's interest is that of the whole community, and is not a partial interest, and you cannot touch him more sensitively then when you injure the manufacturers, his customers. I do not deny that you may regulate prices for awhile—for awhile you have regulated them by forcing an artificial scarcity; but this is a principle which carries with it the seeds of self-destruction, for you are thereby undermining the prosperity of those consumers upon whom your permanent welfare depends. A war against nature must always end in the discomfiture of those who wage it. You may by your restrictive enactments increase pauperism, and destroy trade: you may banish capital, and check or expatriate your population; but is this, I will ask, a policy which can possibly work consistently with the interests of the farmers? These are the fundamental principles which I wish to bring out, and with this primary view it is that I ask for a Committee at your hands. With regard to certain other fallacies with which the farmers have been beset, and latterly more so than ever; the farmer has been told that if there was a free-trade in corn, wheat would be so cheap, that he would not be able to carry on his farm. He is directed only to look at Dantzic, where corn, he is told, was once selling at 15*s.* 11*d.* per quarter, and on this the Essex Protection Society put out their circulars, stating that Dantzic wheat is but 15*s.* 11*d.* per quarter, and how would the British farmer contend against this? Now, I maintain that these statements are not very creditable to the parties who propagate such nonsense, nor complimentary to the understandings of the farmers who listen to and believe them. It would be no argument against free-trade, but quite the contrary, if wheat could be purchased regularly at Dantzic at that price; but the truth is, that in an average of years at that port, it has cost much more than double; and the truth, I suppose, is what all men desire to arrive at. The farmer will very easily be disabused on this and other points if you will grant me the Committee I seek. We know what the price has been in the Channel Islands where the trade is free. These islands send the corn of their own growth to this country whenever it is profitable to do so, and they receive foreign corn for their own consumption duty free. Sir, without pretending to look into futurity, I know of no better test of what the price of corn in this country would be in a state of free-trade, than the prices in the island of Jersey afford, taken, not like the Essex Protection Society for a single week or month, but for a number of years, comprising a cycle of high and low prices in this country. We know that the fluctuation of prices in this country embraces the fluctuation of the whole of Europe. We have papers on the Table shewing what the prices of corn were in Jersey, in the ten years from 1832 to 1841 inclusive. The average price was in those ten years 48*s.* 4*d.* What do you think was the average price in your own markets in those years? It was 56*s.* 8*d.* Now, I have taken some pains to consult those who best understand this subject, and I find it to be their opinion, that a constant demand from England under a free-trade would have raised the level of European prices 2*s.* or 3*s.* a quarter during the above period. If this be a fair estimate, it brings the price up to within 5*s.* or 6*s.* a quarter of our own average. Was this difference in price to throw land out of cultivation, annihilate rent, ruin the farmer, and pauperise the labourers? But in years of high prices the farmers do not receive the highest price for their corn. On the contrary, they sell their corn at the lowest prices, and the speculator sells his at the highest. A short time ago I met a miller from near Winchester, who told me the prices which he paid every year for the corn which he purchased before the harvest and after the harvest during five years. That statement I beg to read to the House:—

			Load of 5 qrs.
1839.	August	Wheat	£19 10*s.*
	November	„	16 0

			Load of 5 qrs.	
1840.	August	,,	18	0
	October	,,	14	5
1841.	August	,,	19	0
	October	,,	15	0
1842.	August	,,	17	0
	September	,,	12	0
1843.	July	,,	15	15
	September	,,	12	10

Thus in these five years there had been a difference of 3*l.* 18*s.* a load, or 15*s.* a quarter, between the prices of wheat in July and August and in October and November in each year, shewing, beyond dispute, that the farmer did not sell his corn at the highest, but at the lowest of the markets. Now, Sir, there is another point upon which as much misrepresentation exists as upon the one I have just stated, namely, the price at which corn could be grown abroad. The price of wheat at Dantzic during those ten years to which I have referred averaged upwards of 40*s.* a quarter; and if you add to it the freight, it will corroborate the statement I have made with regard to the price at which wheat has been sold at Jersey. Another point upon which misrepresentation has gone abroad, relates to the different items of expenditure in bringing wheat to this country. We have had consuls' returns from various ports, of the charges for freight at various periods, but we have not had full accounts of the other items of expenditure. It would be important to elicit as much information as possible upon this subject, and the best means of arriving at it would be to examine practical men from the City before a Select Committee of the House as to the cost of transit. As far as I can obtain information from the books of merchants, the cost of transit from Dantzic, during an average of ten years, may be put down at 10*s.* 6*d.* a quarter, including in this, freight, landing, loading, insurance, and other items of every kind. This is the natural protection enjoyed by the farmers of this country. I may be answered, that the farmers of this country have the cost of carriage to pay also, as, for instance, from Norfolk to Hull or London. But I beg to remind hon. Gentlemen that a very small portion of home-grown corn is carried coastwise at all. Accurate information upon this point might be got before a Select Committee of this House. From information which I have obtained, I am led to believe that not more than 1,000,000 of quarters are carried coastwise at all, or 5 per cent. of the yearly growth of the country; the rest is carried from the barn-door to the mill. This is an important consideration for those who say that there is no natural protection to the farmer, inasmuch as it gives the farmer here a constant protection of half-a-guinea. But hon. Gentlemen ought to bear in mind, that the corn which is brought from Dantzic is not grown on the quays there, any more than it is grown on the quay of Liverpool. On the contrary, it is brought at great expense from a very long distance in the interior. I have seen a statement made by an hon. Member from Scotland, who said that the rafts on which the corn was brought down the river to Dantzic, were broken up and sold to pay the cost of transit. I have not been able to verify that statement in the course of my inquiries. These are points which might all be cleared up by practical men before the Committee; and thus, instead of resorting to prophecy, we should be able to judge from facts and past experience as to the ability of the English farmers to compete with foreigners. Hon. Gentlemen would do well to consider what happened in the case of wool. Every prediction that is now uttered with regard to corn, was uttered by Gentlemen opposite with regard to wool. If hon. Gentlemen visited the British Museum, and explored that Herculaneum of buried pamphlets which were written in opposition to Mr. Huskisson's plans for reducing the duty on wool twenty years ago, what arguments would they find in the future tense, and what predictions of may, might, could, would, should, ought, and shall. But what was the result? Did they lose all their sheep-walks? Had they no more mutton? Are their shepherds all consigned to the workhouse? Were there no more sheep-dogs? I have an account of the importation of wool and the price of wool, and the lesson I wish to impress on Gentlemen opposite is this, that the price of commodities may spring from two causes—a temporary, fleeting, and retributive high price, produced by scarcity; or a permanent and natural high price, produced by prosperity. In the case of wool, you had a high price springing from the prosperity of the consumers. It so happens, in the case of this article of wool, that the price has been highest when the importation has been most considerable, and lowest in the years when the importation has been comparatively small. I beg to read a statement which illustrates this fact :—

		Imported lbs.
1827	10d. per lb.	29,115,341
1829	7d. per lb.	21,516,649
1836	18d. per lb.	64,239,000
1841	11d. per lb.	56,170,000
1842	10d. per lb.	45,833,000

From this statement it appears, that in every instance where the price has been highest, the English farmer has had the largest competition from foreign growers, and that the price was lowest where the competition was least. Well, that is the principle which I wish to see applied in viewing this much-dreaded question of corn. You may have a high price of corn, through a prosperous community, and it may continue a high price: you may have a high price through a scarcity, and it is impossible in the very nature of things that it can be permanent. Now, put this test of wool in the case of cattle and other things that have been imported since the passing of the Tariff. I want this matter to be cleared up. I do not want Gentlemen to find fault with the Prime Minister for doing what he did not do. I do not think his Tariff caused a reduction of one farthing in the price of articles of consumption. But I must say, with all deference to him, that I think he himself is to blame for having incurred that charge by the arguments which he brought forward in support of the Tariff, for assuredly he took the least comprehensive or statesmanlike view of his measures, when he proposed to degrade prices, instead of aiming to sustain them by enlarging the circle of exchanges. It is said that the Tariff has caused distress among the farmers. Why, I don't believe there has been as much increase in the imports of cattle as would make one good breakfast for all the people. Did it never enter the minds of hon. Gentlemen who are interested in the sale of cattle, that their customers in large towns cannot be sinking into abject poverty and distress, without the evil ultimately reaching themselves in the price of their produce? I had occasion, a little time ago, to look at the falling-off in the consumption of cattle in the town of Stockport. I calculated the falling-off in Stockport alone, for three or four years, at more than all the increase in the importation of foreign cattle. It appears, therefore, that the distress of that town alone, has done as much to reduce prices, as all the importation under the Tariff. It has been estimated, that in Manchester, 40 per cent. less of cattle was consumed in 1842 than in 1835; and it has also been estimated that the cotton trade was paying 7,000,000*l.* less in wages per annum in 1842 than in 1836. How could you then expect the same consumption? If you would but look to your own interests as broadly and as wisely as manufacturers look to theirs, you would never fall into the error of supposing that you can ruin your customers, and yet, at the same time, prosper in your pursuits. I remember hearing Lord Kinnaird, whose property is near Dundee, state, that in 1835 and 1836, the dealers from that town used to come and bespeak his cattle three months in advance; but in 1842, when the linen trade shared the prostration of all the manufactures, he had to engage steamboats three months in advance to bring his cattle to the London market. Hon. Members who live in Sussex and the southern counties, and who are in the habit of sneering at Manchester, should recollect, that they are as much dependent upon the prosperity of Lancashire, as those who live in their immediate neighbourhood. If graziers, on looking at the *Price Current*, find they can get a better price for their cattle in London than in Manchester and Stockport, will they not send their cattle up to London, to compete with the southern graziers? The point, therefore, which I wish to make known is, that the Tariff has not caused the reduction in price. There is nothing which I regret more than that the Corn Law or the Tariff should have been altered by the right hon. Baronet at all. Without this alteration I feel confident we should have had prices as low at least as they are; our lesson would then have been complete, the landlords and tenants would have been taught how dependent they are on their customers, and they would have then united with the manufacturers in favour of free-trade. But, if the late alterations in the Corn Law and Tariff are now to be made the bugbear for frightening the farmers from the path of free-trade—if they are to be told that those measures have reduced their protection 30 per cent.,—then I think those political landlords who were returned to this House as "farmers' friends," pledged to defend "protection" as it stood, and who betrayed their trust, ought to do something more if they are sincere; they ought to reduce their rents in proportion to the amount of protection which they say they have withdrawn from the farmer—they ought to do this, not for one rent-day, but permanently; and they should do it with penitence and in sackcloth and ashes, instead of hallooing on the poor farmers upon a wrong scent, after the Anti Corn Law League as the cause of their sufferings. Now, with regard to the low prices having been caused by the change in the Tariff, I do not know whether a noble Lord happens to be present, who illustrated this very aptly, by stating that the farmers in the West of Scotland had been ruined by the reduction in the duty on cheese. There could be nothing more unfortunate than that statement, as there happens, in that respect, to have been no alteration, and yet, I believe cheese fell in price as much as any other article. It is well known that whilst the price of cheese has fallen in the home market, the importation from abroad has been also considerably diminished. There is another subject upon which I must entreat hon. Members' forbearance, for it is an exceedingly tender point and one which is always heard with great sensitiveness in this House. I refer to the subject of rent. We have no tenant farmers in this House. I wish we had, and I venture here to express a hope that the next dissolution will send up a *boná fide* tenant farmer. I know nothing more likely than that, to unravel the perplexity of our terminology—nothing more likely to put us all in our right places and to make us speak each for himself on this subject. The landowners, I mean the political landowners, those who dress their labourers and their cattle in blue ribbons, and who treat this question entirely as a political one, they go to the tenant farmers and they tell them that it would be quite impossible for them to compete with foreigners, for, if they had their land rent-free, they could not sell their produce at the same price as they did. To bear out their statement, they give a calculation of the cost per acre of growing wheat, which they put down at 6*l*. Now, the fallacy of that has been explained to me by an agriculturist in the Midland Counties, whom I should exceedingly like to see giving his evidence before the Committee for which I am moving. He writes me in a letter which I have received to-day,

"You will be met by an assertion that no alteration in rent can make up the difference to the tenant and labourer of diminished prices. They will quote the expenses on a single crop of wheat, and say how small a proportion the rent bears to the whole expense but that is not the fair way of putting it. Wheat is the farmer's remunerating crop, but he cannot grow wheat more than one year in three. The expense, then, of the management of the whole farm should be compared with the rent, to estimate what portion of the price of corn is received by the landlord. I have, for this purpose, analysed the expenses of a farm of 400 acres—230 arable, 170 pasture.

"The expenses are:—	£
Parish and county rates .	90
Interest of capital . .	150
Labour	380
Tradesmen's bills . .	80
Manure and lime . .	70
Wear of horses . .	20
	790
Rent	800
	1,590

"So that on this farm, which is very fairly cultivated, the rent is 800*l*. the other expenses 790*l*. Now, if it requires 55*s*. per quarter in an average year, to enable the tenant to pay the rent and make 150*l*. profit, it is obvious that without any rent he would be enabled to pay his labourers and tradesmen as well, and put the same amount of profit into his pocket, with a price of 30*s*. supposing other produce to be reduced in the same proportion. But I do not anticipate that wheat will be reduced below 45*s*., even by free-trade, and meat, butter, and cheese, will certainly not fall in the same proportion."

This then is a very important statement from a competent authority, and the gentleman who makes it I should be very glad to have examined before the Committee if the House grant one. ["*Name.*"] I believe that the writer will have no objection to his name being published he is Mr. Charles Paget, of Ruddington Grange, near Nottingham.* Allow

---

* We retain this letter which was appended to the corrected report. "The following important letter was received, after the speech had been delivered:—

"*Ruddington Grange, March* 14.

"My dear Sir,—It is a great satisfaction to me to find the statement I sent to you so fully confirmed by Lord Worsley.

"He takes a farm which is entirely arable, while the one whose expenses I stated is 230 arable and 170 pasture, which is a fair proportion for the Midland Counties. His rent is divided between the landlord and the clergyman; mine is paid entirely to one landlord. He takes a farm which requires an outlay for manure equal to half the rent; I, one which me now to state the method by which I calculate the proportion which rent bears to the other outgoings on a farm. I ascertain first what amount of produce the farmer sells off his farm in the year, and next I inquire how much of the money brought home from market goes to the landlord for rent. I take no account in this money calculation of the seed corn, stock manure, horse keep, or other produce of the land used or consumed upon the farm, because these things are never converted into money, and cannot, therefore, be used in payment of rent, taxes, &c. Now I am prepared to prove before a Committee, by a Scotch farmer, that one-half of the disposable produce from a Lothian farm goes to the landlord for rent—that 26*s.* out of every 52*s.* for a quarter of wheat is rent: and that, consequently, if they had their land rent-free, and sold their wheat at 26*s.* a quarter, they would do as well, pay as good wages, and everybody about the establishment be as well provided for as they are now, when paying rent and getting 52*s.* for their wheat. With such a margin as this, I think we need not be in much fear of throwing land out of cultivation in Scotland! I believe many hon. Gentlemen opposite have never made a calculation of what proportion of the whole of the saleable produce goes for rent. It must be borne in mind that every acre of a farm pays rent, although, probably, not more than one acre in three, and in the best farming not more than one in four, is in the same year devoted to the growth of wheat; whilst a part of the farm is generally in permanent pasture. My mode of calculation then is this: ascertain the money value of the whole produce of every kind sold in a year, find how many quarters of wheat it is equal to at the price of the year; and next divide the total number of quarters by the number of acres in the farm, and the result will give you the quantity of wheat sold off each acre in the year. I have made the calculation, and in doing so have had the opinions of those who have taken pains upon the subject; and these are the conclusions to which I have come. I calculate that an arable farm, on an average, does not yield for sale, of every kind of produce, more than equivalent to ten bushels of wheat per acre; so that a farm of 500 acres would not dispose of more than what is equivalent to 5000 bushels. In many parts I believe that this estimate is too high, and that the farmer does not dispose of more than one quarter per acre. And the result of the inquiry would show, that in Scotland (where much of the labour on the farm is paid in kind) one-half of the produce taken to market goes to the landlord as rent, whilst in England it will average more than 20*s.* a quarter upon the present price of wheat. With regard to cheese, I am prepared to bring wit-

---

will maintain its fertility at an expenditure of one-twelfth the rent in artificial manure; and if you refer to the explanation appended to my statement, you will see that I consider it applicable to the heavy and mixed lands, and that for the poorer light lands a rectification was required for the quantity of manure purchased.

"Now let us take Lord Worsley's statement. He takes :—

Landlord's rent .	£800	
Tithe rent . .	200	
		—£1,000
Add excess of manure .		360
		£1,360

"His horse keep ought to have been treated like his seed corn: it is not an outgoing from the farm, but an abstraction from the disposable produce. His other expenses are ;—

Farm labour . . .	£800
Mechanics or Tradesmen's bills	200
Parochial rates . .	150
Interest of capital . .	200
	£1,350

So that had his land been of such a quality that it would have required only 140*l.* instead of 500*l.* to maintain its fertility, he would of course have paid 360*l.* more rent. The result then would have been,—

Rent		.. £1,350
Other expenses ..	1,360	
Manure	140	
	——	1,490

Had one-third of the land been old turf, the expenses would have been reduced 200*l.* So that Lord Worsley more than confirms my statement.

"I see the Lothian farmers estimate the landlord's share at one-half, while I only state it at 25*s.* out of every 55*s.* for England.

"I believe the opposition you meet with is from an honest conviction that a change would be injurious to the tenant and labourer. I am therefore very sorry that your Committee has been refused.

"I am my dear Sir, very truly yours,

"CHARLES PAGET.

"Richard Cobden, Esq., M.P."

nesses to prove that more than half of the produce goes to the landlord, owing to the fact of there being less paid in wages upon dairy farms. For every *5d.* received for cheese, more than 2½*d.* is paid in rent; and upon grazing farms, also, for every *5d.* received for a pound of meat, at least 2½*d.* is paid to the landlord. This is, after all, the important point in the consideration of this question, because, it being settled, the public would no longer labour under the apprehension, that if free-trade were adopted the farmers would suffer, or that land would be thrown out of cultivation. This is a point upon which I should not have entered, had not the investigation been challenged by my opponents. It must not be imputed to me that I entertain the opinion that free-trade in corn would deprive the landowners of the whole of their rents. I have never said so —I have never even said that land would not have been as valuable as it is now if no Corn-law had ever existed. But this I do mean to say, that if the landowners prefer to draw their rents from the distresses of the country, caused by their restrictive laws to create high prices through scarcity of food, instead of deriving an honourable income of possibly as great, or even greater amount, through the growing prosperity of the people under a free-trade, then they have no right, in the face of such facts as I have stated, to attempt to cajole the farmer into the belief, that rent forms an insignificant item in the cost of his wheat, or to frighten him into the notion that he could not compete with foreigners if he had his land rent-free. I shall now touch upon another and more important branch of this question, I mean the interests of the farm labourer. We are told that he is benefited by a system of restriction which makes the first element of subsistence scarce. Do you think posterity will believe it? They will look back upon this doctrine, in less than twenty years, with as much amazement as we do now upon the conduct of our forefathers when they burnt old women for witchcraft. To talk of benefiting labourers by making one of the main articles of their consumption scarce! The agricultural labourers live by wages: what is it which regulates the wages of labour in every country? Why, the quantity of the necessaries and comforts of life which form the fund out of which labour is paid, and the proportion which they bear to the whole number of labourers to be maintained. Now, the agricultural labourer spends a larger proportion of his wages in food than any other class. And yet, in the face of this fact, do you go on maintaining a law which makes food scarce in order to benefit the agriculturist! I hold in my hand a volume which has been presented to the House relating to the state of the agricultural population of this country, and which, I think, ought to have been brought under the notice of the House, by some one competent to deal with the subject, long before now. Last year a Commission was appointed to inquire into the state of women and children employed in agriculture. I beg to make a few observations before proceeding further, upon the manner in which this inquiry has been conducted. Some years ago the House will recollect that a Commission was appointed on the condition of the hand-loom weavers. That commission sat two years; its inquiries have since been directed to the state of other manufacturing interests; and it is still, I believe, in existence. The inquiry upon the state of the labourers employed in our manufactures, therefore, will have been very fully gone into. But when an application was made to a member of the Cabinet to allow the same Commission to institute a similar inquiry into the state of the labourers employed in husbandry, he refused to do so; but afterwards, he agreed that an inquiry should be made by the Assistant Poor Law Commissioners, but that only thirty days could be allowed for such inquiry. The volume which I hold in my hand is, therefore, the work of four gentlemen during only thirty days; one of these gentlemen, Mr. Austin, set forward on his task, and consumed two days in travelling. He had thus only twenty-eight days to inquire into the condition of the agricultural population in four counties in the south of England. We have, however, some facts elicited on that inquiry, which ought to have drawn forth remarks from hon. Gentlemen opposite, as to the condition of their own constituents. Before I allude to the condition of the agricultural labourers, I wish to state that, whatever may have been the animus which influenced others in investigating the condition of the manufacturing districts, I am actuated by no invidious feeling whatever towards the agriculturists; for, bear in mind, that my conduct has been throughout marked by consistency towards both. Had I ever concealed the wretched state of the manufacturing operatives, or shrunk from the exposure of their sufferings, my motives might have been open to suspicion in now bringing before your notice the still more depressed condition of the agricultural poor. But I was one of that numerous deputation from the north which, in the spring of 1839, knocked in vain at the door of this House for an inquiry at your bar into the state of the manufacturing population. I was one of the deputies who intruded ourselves (sometimes 500 strong) into the presence of successive Prime Ministers until our importunities became the subject of remark and complaint in this House. From that time to this, we have continued without intermission to make public in every possible way the distress to which the manufacturers were exposed. We did more. We prescribed a remedy for that distress. And I do not hesitate to express my solemn belief that the reason why, in the disturbances which took place, there was no damage done to property in the manufacturing districts was, that the people knew and felt that an inquiry was taking place, by active and competent men, into the cause of their distresses, and from which they had hoped some efficient remedy would result; and I would impress upon hon. Members opposite as the result of my conviction, that if the labouring poor in their districts take a course as diabolical as it is insane—a coure which I am sorry to see they have taken in many agricultural localities—of burning property to make known their sufferings—if I might make to those hon. Gentlemen a suggestion, it would be this—that if they had come forward to the House and the country as we, the manufacturers, have done, and made known the sufferings of the labouring population, and prescribed any remedy whatever—if that population had heard a voice promulgating their distresses, and making known their sufferings—if they had seen the sympathies of the country appealed to—I believe it would have had such a humanising and consoling effect upon the minds of the poor and misguided people, that in the blindness of despair they would never have destroyed that property which it was their interest to protect. I have looked through this volume, which is the result of Mr. Austin's twenty-eight days' travels through the agricultural districts, and I find that during that period he visited Somersetshire, Devonshire, Wiltshire, and Dorsetshire. He has given the testimony of various respectable gentlemen in these several localities, as to the condition of the agricultural labourers. Some of these accounts are highly important. The first that I shall refer to is the evidence of the Rev. J. Guthrie, the Vicar of Calne, in Wilts.

> "He says (speaking of the agricultural labourers in that district)—'I never could make out how they can live with their present earnings.' Dr. Greenup, M.D., Calne, says: 'In our union the cost of each individual in the workhouse, taking the average of men, women, and children, is 1*s.* 6*d.* a week for food only; and buying by tender, and in large quantity, we buy at least 10 per cent. cheaper than the labouring man can. But, without considering this advantage, apply the scale to the poor industrious family. A man, his wife, and two children will require, if properly fed, 6*s.* weekly; their rent (at least 1*s.*) and fuel will very nearly swallow up the remainder; but there are yet things to provide—soap and candles, clothes and shoes—shoes to a poor man are a serious expense, as he must have them strong, costing about 12*s.* a pair, and he will need at least one pair in a year. When I reckon up these things in detail, I am always more and more astonished how the labourers contrive to live at all.' Thos. King, Esq. surgeon, Calne, Wilts., says—'If women and boys who labour in the fields suffer in their health at all, it is not from the work they perform, but the want of food. The food they eat is not bad of its kind, but they have not enough of it, and more animal food would be most desirable; but with the present rate of wages, it is impossible. Their low diet exposes them to certain kinds of diseases, more particularly to those of the stomach.'—Mr. Robert Bowman, farmer and vice-chairman of the Board of Guardians, Calne Union, deposes—'In the great majority of cases the labourer has only the man's wages (8*s.* or 9*s.* a week) to live on. On that a man and his wife, and family of four, five, or six children must live, though it is a mystery to me how they do live.' This was the evidence of a farmer.—Mrs. Britton, wife of a farm labourer, says—'We could eat much more bread if we could get it.'—Mrs. Wiltshire, wife of a farm labourer at Cherill, Wilts, in her own pathetic way, says—'Our common drink is burnt crust tea. We also buy about half a pound of sugar a week. We never know what it is to get enough to eat. At the end of the meal, the children would always eat more. Of bread there is never enough. The children are always asking for more at every meal. I then say, "You don't want your father to go to prison, do you?'"

That is a specimen of the evidence collected in the South of England, in the purely agricultural districts, by Mr. Austin. I have myself had the opportunity of making considerable observations in the agricultural districts, and I have come to this conviction that the farther you travel from the much-maligned region of tall chimneys and smoke, the less you find the wages of labourers to be; the more I leave behind me Lancashire and the northern parts of England, the worse is the condition of the labourers, and the less is the quantity of food they have. Does not this, I will ask, answer the argument that the agricultural labourer derives protection from the Corn Laws? Now, what I wish to bring out before the Committee is not merely that, in the abstract and as a general principle, the working class can never be benefitted by high prices occasioned by scarcity of food, but, that even during your casual high prices, caused by scarcity, the agricultural labourers always suffer. Pauperism increases as the price of food rises—and, in short, the price of the loaf is in a direct ratio proof of the increase of pauperism. [" No, no."] An hon. Gentleman says, " No, no." I hope I shall have him on the Committee, and if he will only hear me out, I am sure I shall persuade him to vote for the Committee. With regard to the condition of the agricultural labourer, I have taken some pains to ascertain what has been the relative progress of wages and rents in agricultural districts. I know that this is a very sore point indeed for hon. Members opposite, but I must tell them that in those very districts of Wilts and Dorset the wages of labour, as measured in food, are lower now than they were sixty years ago, while the rent of land has increased from two-and-a-half to threefold. Mind, I don't pretend to decide whether with a Free Trade rents might not have advanced even fivefold, but I do contend that, under those circumstances, the increased value of land could have only followed the increased prosperity of every portion of the industrious community; and so long as you maintain a law for enhancing prices by scarcity, and raising artificial rents for a time and by the most suicidal process, out of the privations of the consumers, you must not be surprised if you are called upon to show how the system works upon those for whose benefit you profess to uphold the law. I find that the following were the ordinary wages of the common agricultural day-labourers previous to the rise of prices after 1790, taken from the accounts of the respective counties, drawn up for the Board of Agriculture; not including hay time and harvest:—

Average price of wheat........ 44*s.* 6*d.*
Devonshire...... 6*s.* to 7*s.* 6*d.* per week.
Wiltshire....... 6*s.* to 7*s.* "
Somersetshire.... 7*s.* to 9*s.* "
Dorset......... 6*s.* to 6*s.* 6*d.* "
(With wheat at 5*s.* a bushel.)
Gloucester...... 7*s.* to 10*s.* per week.

Since that period money wages have hardly increased in those districts, and wages computed in food have certainly declined, while rent has progressed from 200 to 250 per cent. I will mention another fact illustrative of the relative progress of rents and wages. When lately attending a meeting at Gloucester, I heard a gentleman say publicly that he had recently sold an estate which had belonged to his great-grandfather, and which brought him ten times the price his ancestor had given for it. But what, in the same time, has been the course of wages? It is stated in a work, attributed to Justice Hale, published in 1683, upon the condition of the working classes, that the wages of a farm labourer in Gloucestershire were 10*s.* a week, and he remarks, " Unless the earnings of a family, consisting of the father, mother, and four children, amount to that sum, they must make it up, I suppose, by begging or stealing." Wheat was then 36*s.* a quarter. Now that wheat is 40 per cent. higher, the average wages in Gloucestershire are only 8*s.* to 9*s.*, and in many cases 7*s.* and 6*s.* And Mr. Hunt, a farmer in Gloucestershire, who is also a guardian of the poor, stated publicly at the same meeting, that in his district it was found when relief was applied for, that in many instances families, who were endeavouring to exist on wages, were, taking the number of the family into account, only obtaining one-half the amount which their maintenance would cost in the workhouse. Mr. Hunt also stated that directions having been received by the guardians of the Union to keep the poor who were inmates of the Workhouse upon as low a diet as the able-bodied labourer and his family could obtain out of it, they were, on inquiry, startled at the small quantity of food upon which, from the low rate of wages, the labouring population were forced to subsist; and upon referring the point to the medical officer of the Union, he reported that it would not be safe to feed the able-bodied paupers upon the scale of food which they were getting out of the Workhouse. Hitherto I have spoken of the food of the agricultural population; and when we speak of food, it implies lodging, clothing—it implies morality, Education, ay, and I fear, religion, and everything pertaining to the social comforts and morals of the people. I have informed the House in what manner that population is fed; but there is another point in the volume before me which most especially calls for the attention of hon. Gentlemen opposite—I refer to the lodging of the agricultural poor. That is a point that more nearly concerns, if possible, the character of the landowner than, perhaps, the question of food. Mr. Austin in the report from which I have before quoted, in reference to the four counties I have enumerated, says:—

"The want of sufficient accommodation seems universal. At Stourpain, a village near Blandford, Dorset, I measured a bedroom in a cottage. The room was ten feet square, not reckoning the two small recesses by the side of the chimney, about eighteen inches deep. The roof was the thatch, the middle of the chamber being about seven feet high. Eleven persons slept in three beds in this room. The first bed was occupied by the father and mother, a little boy, Jeremiah, aged one year and a half, and an infant, aged four months; second bed was occupied by the three daughters—the two eldest, Sarah and Elizabeth, twins, age twenty, and Mary, aged seven; third bed was occupied by the four sons—Silas, aged seventeen, John, aged fifteen, James, aged fourteen, and Elias, aged ten. There was no curtain, or any kind of separation between the beds."

Mr. Phelps, an agent of the Marquess of Lansdowne, says,—

"I was engaged in taking the late census in Bremhill Parish, and in one case, in Studley, I found twenty-nine people living under one roof; amongst them were married men and women, and young people of nearly all ages. In Studley it is not at all uncommon for a whole family to sleep in the same room. The number of bastards in that place is very great."

The hon. and Rev. S. Godolphin Osborne, Rector of Bryanston, Dorset, says,—

"Within this last year I saw in a room, about thirteen feet square, three beds; on the first lay the mother, a widow, dying of consumption; on the second, two unmarried daughters, one eighteen years of age, the other twelve; on the third, a young married couple, whom I myself had married two days before. A married woman, of thorough good character, told me a few weeks ago that on her confinement, so crowded with children is her one room, they are obliged to put her on the floor in the middle of the room, that they may pay her the requisite attention; she spoke of this as to her the most painful part of that, her hour of trial."

Mr. Thomas Fox, Solicitor, Beaminster, Dorset, in his evidence to Mr. Austin, says:—

"I regret that I cannot take you to the parish of Hook (near here), the whole parish belonging to the Duke of Cleveland, occupied by a tenant of the name of Rawlings, where the residences of the labourers are as bad as it is possible you can conceive; many of them without chambers, earth floors, not ceiled or plastered; and the consequence is, that the inhabitants are the poorest—the worst off in the country."

He is asked:—

"Are you of opinion that such a want of proper accommodation for sleeping must tend very much to demoralize the families of the labouring population?—There can be no doubt of it; and the worst of consequences have arisen from it, even between brothers and sisters."

Mr. Malachi Fisher, of Blandford, Dorset, says:—

"That in Milton Abbas, on the average of the late census, there were thirty-six persons in each house. It is not an uncommon thing for two families, who are near neighbours, to place all the females in one cottage, and the males in another."

And Mr. Austin, in his report, says:—

"The sleeping of boys and girls, young men and young women, in the same room, in beds almost touching one another, must have the effect of breaking down the great barriers between the sexes: the sense of modesty and decency on the part of women, and respect for the other sex on the part of the men. The consequence of the want of proper accommodation for sleeping in the cottages are seen in the early licentiousness of the rural disctricts; licentiousness which has not always respected the family relationship."

I am by no means desirous of using excitable language or harsh terms in anything I may have to address to the House upon this subject; but I should not do justice to my own feelings if I failed to express my strong indignation at the conduct of those owners of land who permit men, bred on the soil, born on their territory, to remain in the condition in which the labouring population of Dorsetshire appear, not occasionally, but habitually, to exist. [Lord *Ashley:* Hear.] I am glad to hear that cheer from his Lordship; I should have expected as much. You talk to us about the crowding together of the labouring population in the manufacturing towns, and charge that upon the manufacturer and the mill-owner, forgetting that the crowding together in towns cannot come under the cognizance of particular individuals or employers; but in the agricultural districts, we find the large proprietors of land, who will not allow any other person to erect a stick or a stone, or to build a cottage upon their estates, nevertheless permitting men, for whose welfare they are responsible, to herd in this beastly state, in dwellings worse than the wigwams of the American Indians. When we see these things, I repeat, that the persons by whom they are permitted to continue, deserve to be visited with the most unqualified reprobation of this House. It was well said by the late Mr. Drummond, "that property has its duties as well as its rights," but these duties are grossly neglected when a Commissioner from the Government can find people living in such pig-sties—or worse than pig-sties—as have been described. I have alluded to the evidence of the Rev. Godolphin Osborne. I have not the honour to be acquainted with that gentleman, and I have no doubt that in political matters we differ "wide as the poles," but I cannot but admire him or any other man who will come forward and express his opinion, and make public the state of a population so degraded. That gentleman, in a letter lately written, says:

"Our poor live on the borders of destitution * * * From one year's end to another, there are many labouring families that scarcely touch, in the way of food, anything but bread and potatoes, with now and then some bacon. Bread is in almost every cottage the chief food of the children, and, when I know of what that bread is often made, I am not surprised at the great prevalence amongst the children of the labourers, of diseases known to proceed from an improper or too stinted diet * * * The wages paid by farmers I do not find exceeding 8*s*., except, perhaps, in the case of the shepherd or carter. In many parishes only 7*s*. a-week are paid. * * * A clergyman in this Union states to me, that he had lately had four blankets sent to him to dispose of. In making inquiry for the most proper objects, he found in fifteen families in his parish, consisting of eighty-four individuals, there were only thirty-three beds, and thirty-five blankets, being about three persons to one bed, with one blanket. Of the thirty-five blankets, ten were in good condition, having been given them within the last four years, the other twenty-five were mere patched rags."

Bear in mind that I am describing no sudden crisis of distress, such as occasionally takes place in the manufacturing districts, but the ordinary condition of the people. The strikes and tumults of which you hear so much in those districts, are the struggles of the operatives against being reduced from their comparatively comfortable earnings to the deplorable condition in which the agricultural population have sunk unconsciously, and, I am afraid to think, contentedly. Speaking of the Union of Tarrant Hinton, the same reverend gentleman says:—

"In Tarrant Hinton parish, a father, mother, married daughter and her husband, an infant, a blind boy of sixteen, and two girls, occupying one bedroom; next door, a father, mother, and six children, the eldest boy sixteen years of age, in one bedroom; two doors below, a mother, a daughter with two bastards, another daughter, her husband, and two children, another daughter and her husband, one bedroom and a sort of landing, the house in a most dilapidated state! It is not one property or one parish alone, on or in which such cases exist; the crowded state of the cottages generally, is a thing known to every one who has occasion to go amongst the poor. In one or two cases whole villages might be gone through, and every other house at least would tell the same tale; and I know this to be true out of this Union as well as in it; and in some of these worst localities a rent of from 3*l*. to 5*l*. yearly is charged for a house with only one room below and one above. It may serve to corroborate what I have stated of the crowding of the villages to add, that I have now a list before me of forty families belonging to other parishes in the Union, who are now actually residing in the town of Blandford."

Now, mark! the progress of the evil is this. The landowner refuses to build up new cottages, and permits the old cottages to fall down; and I speak advisedly when I say, that this is the course adopted systematically in Dorsetshire, and the people are driven to Blandford and other towns. And what a population are they thus sending to the manufacturing districts! Why, what are these villages but normal schools of prostitution and vice?

Oh, do not then blame the manufacturers for the state of the population in their towns, while you rear such a people in the country, and drive them there for shelter, when the hovels in which they have dwelt fall down about them. I wish to be understood that in speaking of the condition of the agricultural labourer, and of the wages he receives, I do not intend to cast imputations upon any individual. I attack not individuals, but the system. I say emphatically, I do not attack individuals, but a system. Although I hold the proprietor to be responsible for the state of lodging on his own land, I do not hold him responsible for the rate of wages in his district. I never held the farmers responsible for the want of employment or the price of labour, although it has been foolishly said of me that I did so. I challenge the Argus-eyed opponent I have to deal with, to show that I have ever done so. But, so far from that being the case, I have, in every agricultural district which I have visited, told the labourers " that the farmers cannot give what wages they please—wages are are not to be looked upon as charity—the farmers are in no way responsible for low wages—it is the system." I have thus spoken of the food and lodging of the agricultural labourers, and shall content myself with one extract from Mr. Austin's description of their clothing:—

> "A change of clothes seems to be out of the question, although necessary not only for cleanliness, but saving of time. It not unfrequently happens, that a woman on returning home from work is obliged to go to bed for an hour or two, to allow her clothes to be dried. It is also by no means uncommon for her, if she should not do this, to put them on again next morning nearly as wet as when she took them off."

Now, what kind of home customers do hon. Gentlemen opposite think these people are to the manufacturers? This is the population, who, according to those hon. Gentlemen, are our best customers. I should be glad for a moment to call the attention of the right hon. the Home Secretary, to the present working of the New Poor Law in Wilts. I have observed in a Wiltshire paper a statement which I will read to the House :—

> "In Potterne, an extensive parish on the south-west side of Devizes, in which reside two country Gentlemen, who are magistrates, considerable landowners, and staunch advocates of the Corn Laws, besides other Gentlemen of station and of wealth, this plan of billetting the labourers has been adopted; and the following are the prices which are put on those poor fellows who cannot get work at the average rate of 7*s.* a-week, and of whom, we understand, there are, or lately were, about forty:—Able-bodied single men, 2*s.* 6*d.* a-week; ditto married men, 4*s.*; ditto with two or three children, 5*s.*; ditto with large families, 6*s.* a-week: At these rates, then—fixed with reference to the number of mouths to be fed, and not according to the ability of the parties as workmen, the object clearly being to reduce the poor's rate—may any person in the parish, or out of it either, we presume, command the services of any of these forty unfortunates. We say command, for these independent labourers, 'bold peasantry, their country's pride,' have no voice in the matter; they have not even the option of going into the Union-house while any one can be found willing to use up their sinews and their bones at this starvation price."

I have seen this in the Independent Wiltshire newspaper, and have taken it down, and had the names of the parties sent to me corroborating it. And is not this, I will ask, quite inconsistent with what is the understood principle of the Poor Law? Here is a sliding tariff of wages beginning at 2*s.* 6*d.*, and ending at 6*s.*, the men who are the victims of the system having no more voice in the matter than the negro slaves of Louisiana? Now, I put it to you who are the supporters of the Corn Law—can you, in the face of facts like these, persist in upholding such a system? I would not, were I in your position, be a party to such a course—no, nothing on earth should bribe me to it—with such evidence at your doors of the mischiefs you are inflicting. I have alluded to the condition of the people in four of the southern counties of England—in Wiltshire, Dorsetshire, Somersetshire, and Devonshire; and what I have stated in regard to those places would apply, I fear, to all the purely rural counties in the kingdom, unless you go northward, where the demand for labour in the manufacturing districts raises the rate of wages on the land in the neighbourhood. The hon. and gallant Member for Lincoln says no; and I will concede to the hon. and gallant Member, for I have no wish to excite his temper by contradicting him, that it is not so in Lincolnshire, I admit there is an exception to the general rule in regard to that county—there, I believe both the labourers and farmers are in a much better condition than in the south. But I am referring to the condition of the agricultural population generally. And when we look at the orderly conduct of that population, at the patience exhibited by them under their own sufferings and privations—fortified, as it were, by endurance so much, that we scarcely hear a complaint from them, I am sure such a population will meet with the sympathies of this House, and that the noble Lord, the Member for Dorset (Lord Ashley), whom I see opposite, and whose humane interference on behalf of the factory labourers is the theme of admiration, will extend to the agricultural population that sympathy which has been so beneficial in ameliorating the condition of a large portion of the labouring people. But where are the Scotch county Members, that they have nothing to say? In that country there is an agricultural population, that as far as their conduct is concerned, would do honour to any country. Yet I find the following description of the diet of these labourers in a Scotch paper :—

"In East Lothian the bread used by hinds and other agricultural labourers is a mixture of barley, peas, and beans, ground into meal; and you will understand its appearance when we inform you that it is very like the rape and oil cakes used for feeding cattle and manuring the fields; and it is very indigestible coarse food."

And I have received from a trustworthy person a letter, giving me the subjoined account of the peasantry of the county of Forfar :—

"In this county (Forfarshire), the mode of engaging farm-servants is from Whitsunday to Whitsunday; in some cases the period of engagement is only for half a year. The present average rate of wages is 11*l.* per annum, or a fraction more than 4*s.* per week, with the addition of two pecks or 16lbs. of oatmeal, and seven Scotch pints of milk weekly. The amount of wages may be stated thus:—

Money - -	- 4*s.*	0*d.*
Oatmeal, two pecks at 10*d.*	- 1	8
Seven pints of milk at 2*d.*	- 1	2
Total weekly wages	- 6	10

That is the current weekly wages of an able-bodied agricultural labourer. An old man—that is, a man a little beyond the prime of life—if employed at all, his wages are considerably lower. The universal food of the agricultural labourers in Forfarshire is what is locally called 'brose;' which is merely a mixture of oatmeal and boiling water; the meal is not boiled, only the boiling water poured on it. There is no variation in this mode of living; butcher's meat, wheaten bread, sugar, tea, or coffee, they never taste. The outhouses they live in are called 'bothies,' and more wretched hovels than these bothies are not to be found among the wigwams of the uncivilized Africans."

It really would appear, from the slight notice taken here of the state of suffering in the rural districts, that the County Members were sent up to this House to conceal rather than to disclose the condition of the people they left behind them. Then there is the case of Wales. There can be no excuse for ignorance as to the state of the Welsh people, for during the time of the recent disturbances we had the account given by the *Times* reporter, corroborated by persons living in the locality, shewing clearly what was the condition of both the farmer and the labourer in that country. In one of those accounts it was stated :—

"The main cause, however, of the disturbances is beyond question the abject poverty of the people. The small farmer here breakfasts on oatmeal and water boiled, called 'duffery' or 'flummery,' or on a few mashed potatoes left from the previous night's supper. He dines on potatoes and butter-milk, with sometimes a little white Welsh cheese and barley bread, and as an occasional treat, has a salt herring. Fresh meat is never seen on the farmer's table. He sups on mashed potatoes. His butter he never tastes; he sells it to pay his rent. The pigs he feeds are sold to pay his rent. As for beef or mutton, they are quite out of the question—they never form the farmer's food."

Then as to the labourer :—

"The condition of the labourer from inability in the farmer to give him constant employment, is deplorable. They live entirely on potatoes, and have seldom enough of them, having only one meal a day. Being half starved, they are constantly upon the parish. They live in mud cottages, with only one room for sleeping, cooking, and living—different ages and sexes herding together. Their cottages have no windows, but a hole through the mud wall to admit the air and light, into which a bundle of rags or turf is thrust at night to stop it up. The thinly-thatched roofs are seldom drop-dry, and the mud floor becomes consequently damp and wet, and dirty almost as the road; and, to complete the wretched picture, huddled in a corner are the rags and straw of which their beds are composed."

I have now glanced at the condition of the agricultural population in England, Scotland, and Wales. You have too recently heard the tales of its suffering to require that I should go across the Channel to the Sister Island with its two millions and a half of paupers; yet bear in mind, for we are apt to forget it, in that country there is a duty this day of 18*s.* a quarter upon the import of foreign wheat. Will it be believed in future ages, that in a country periodically on the point of actual famine—at a time when its inhabitants subsisted on the lowest food, the very roots of the earth—there was a law in existence which virtually prohibited the importation of bread! I have given you some idea of the ordinary condition of the agricultural labourers when at home: I have alluded to their forced migration from the agricultural districts to the towns; and I will now quote from the report of the London Fever Hospital, a description of the state in which they reach the metropolis:—

> "Doctor Southwood Smith has just given his annual report upon the state of the London Fever Hospital during the past year, from which it appears that the admissions during the period were 1462, being an excess of 418 above that of any preceding year. A large proportion of the inmates were agricultural labourers or provincial mechanics, who had come to London in search of employment, and who were seized with the malady either on the road or soon after their arrival, evincing the close connexion between fever and destitution. These poor creatures ascribed their illness, some of them to the sleeping by the sides of hedges, and others to a want of clothing, many of them being without stockings, shirts, shoes, or any apparel capable of defending them from the inclemency of the weather; while the larger number attributed it to want of food, being driven by hunger to eat raw vegetables, turnips and rotten apples. Their disease was attended with such extreme prostration as generally to require the administration of an unusually large proportion of wine, brandy, and ammonia and other stimulants. The gross mortality was 15½ per cent. An unprecedented number of nurses and other servants of the hospital were attacked with fever, namely twenty-nine, of whom six died."

I have another account from the Marlborough-street police report, bearing upon the same point which is as follows:—

> "Marlborough-street.—The Mendicity Society constables and the police have brought a considerable number of beggars to this court recently. The majority of these persons are country labourers, and their excuse for vagrancy has been of the same character—inability to get work from the farmers, and impossibility of supporting themselves and families on the wages offered them when employment is to be had. It is impossible to describe the wretched appearance of these men, most of whom are able-bodied labourers, capable of performing a hard day's work, and, according to their own statements, willing to do so, provided they could get anything to do. A great many of these vagrant agricultural labourers have neither stockings nor shoes on their feet, and their ragged and famished appearance exceeds in wretchedness that of the Irish peasantry who find their way to this metropolis. The magistrates, in almost every instance, found themselves obliged to send these destitute persons to prison for a short period, as the only means of temporarily rescuing them from starvation. Several individuals belonging to this class of beggars were yesterday committed."

You have here the condition of the agricultural labourers when they fly to the towns. You have already heard what was their condition in the country, and now I appeal to honourable Members opposite, whether theirs is a case with which to come before the country to justify the maintenance of the Corn Laws? Why, you are nonsuited, and put out of court; you have not a word to say. If you could shew in the agricultural labourers a blooming and healthy population, well cloathed and well fed, and living in houses fit for men to live in—if this could be shewn as the effects of the Corn Laws, there might be some ground for appealing to the feelings of the House to permit an injustice to continue while they knew that they were benefiting a large portion of their fellow countrymen. But when we know, and can prove from the facts before us, that the greatest scarcity of food is to be found in the midst of the agricultural population, and that protection does not, as its advocates allege, benefit the farmer or the labourer, you have not a solitary pretext remaining, and I recommend you at once to give up the system which you can no longer stand before the country and maintain. The facts I have stated are capable of corroboration. Before a Select Committee we can obtain as much evidence as we want to shew the state of the agricultural population. We may get that evidence in less time and more satisfactorily before a Select Committee than through a Commission. Though I by no means wish to undervalue inquiries conducted by Commissions, which in many cases are very useful, I am of opinion that an inquiry such as I propose, would be carried on with more satisfaction and with less loss of time by a Select Committee than by a Commission. There is no tribunal so fair as a Select Committee; Members of both sides are upon it, witnesses are examined and cross-examined, doubts and difficulties are removed, and the real facts are arrived at. Besides the facts I have stated, if you appoint a Committee, the landlords may obtain evidence which will go far to help them out of their own difficulty—viz., the means of giving employment to the people. The great want is employment, and if it is not found, where do you suppose will present evils end, when you consider the rapid way in which the population is increasing? You may in a Committee receive valuable suggestions from practical agriculturists—suggestions which may assist you in devising means for providing employment. There may be men examined more capable of giving an opinion, and more competent to help you out of this dilemma, than any you could have had some years ago. You may now have the evidence of men who have given their attention as to what can be done with the soil. Drain tiles are beginning to shew themselves on the surface of the land in many counties. Why should they not always be placed under the surface, and why should not such improvements give employment to the labourers? You do not want Acts of Parliament to protect the farmer—you want improvements, outlays, bargains, leases, fresh terms. A farmer before my Committee will tell you that you may employ more labourers by breaking up land which has lain for hundreds of years in grass, or rather in moss, to please some eccentric landowner, who prefers a piece of green turf to seeing the plough turning up its furrows. This coxcombry of some landlords would disappear before the good sense of the Earl of Ducie. You may derive advantage from examining men who look upon land as we manufacturers do upon the raw material of the fabrics which we make—who will not look upon it with that superstitious veneration and that abhorence of change with which landlords have been taught to regard their acres, but as something on which to give employment to the people, and which by the application to it of increased intelligence, energy, and capital, may produce increased returns of wealth. But we shall have another advantage from my Committee. Recollect that hitherto you have never heard the two sides of the question in the Committees which have sat to inquire into agricultural subjects; and I press this fact on the notice of the right hon. Baronet opposite as a strong appeal to him. I have looked back upon the evidence taken before these Committees, and I find that in none of them were both sides of the question fairly stated. All the witnesses examined were protectionists—all the members of all the Committees were protectionists. We have never yet heard an enlightened agriculturist plead the opposite side of the question. It is upon these grounds that I press this Motion upon hon. Gentlemen opposite. I want to have further evidence. I do not want a man to be examined who is not a farmer or landowner. I would respectfully ask the Earl of Ducie and Earl Spencer to be examined first. And then hon. Gentlemen could send for the Dukes of Buckingham and Richmond. I should like nothing better than that — nothing better than to submit these four noblemen to a cross-examination. I would take your two witnesses and you would take mine, and the country should decide between us. Nothing would so much tend to diffuse sound views as such an examination. But you have even Members on your own side who will help me to make out my case. There is the hon. Member for Berkshire (Mr. Pusey); he knows of what land is capable —he knows what land wants, and he knows well that in the districts where the most unskilful farming prevails, there does pauperism exist to the greatest extent. What does he say to you? Why, he advises that—

> "More drains may be cut, more chalk be laid on the downs, the wolds, and the clays; marl on the sand, clay on the fens and heaths, lime on the moors, many of which should be broken up; that old ploughs be cast away, the number of horses reduced, good breeds of cattle extended, stock fattened where it has hitherto been starved, root crops drilled and better dunged; new kinds of those crops cultivated, and artificial manures of ascertained usefulness purchased."

Why, it appears from the testimony of our own side, that you are doing nothing right. There is nothing about your agriculture which does not want improving. Suppose that you could shew that we are wrong in all our manufacturing processes—suppose a theorist could come to my business, which is manufacturing garments, and which I take it, is almost as necessary, and why not as honourable, in a civilized country, and with a climate like ours, as manufacturing food; suppose, I say, a theoretical chemist, book in hand, should come to me and say, "You must bring indigo from India, madder from France, gum from Africa, and cotton from America, and you must compound and work them scientifically so as to make gown pieces, to be sold for 3*s*. each garment." Why, my answer would be, "We do it already." We require no theorist to tell us how to perform our labour. If we could not do this, how could we carry on the competition which we do with other nations? But you are condemned by your own witnesses; you have the materials for the amelioration of your soils at your own doors: you have the chalk and clay, and marl and sand, which ought to be intermingled, and yet you must have people writing books to tell you how to do it. We may make a great advance if we get this Committee; you may have the majority of its Members protectionists if you will. I am quite willing that such should be the arrangement. I know it is understood—at least, there is a sort of etiquette—that the Mover for a Committee should, in the event of its being granted, preside over it as Chairman: I waive all pretensions of the sort—I give up all claims — I only ask to be present as an individual Member. What objections there can be to the Committee I cannot understand. Are you afraid that to grant it will increase agitation? I ask the hon. Baronet, the Member for Essex (Sir J. Tyrell), whether he thinks the agitation is going down in his part of the country? I rather think there is a good deal of agitation going on there now. Do you really think that the appointment of a dozen Gentlemen to sit in a quiet room up stairs, and hear evidence, will add to the excitement out of doors? Why, by granting my Committee you will be withdrawing me from the agitation for one. But I tell you that you will raise excitement still higher than it is if you allow me to go down to your constituents—your vote against the Committee in my hand—and allow me to say to them, "I only asked for inquiry; I offered the landlords a majority of their own party; I offered them to go into Committee, not as a Chairman, but as an individual Member; I offered them all possible advantages, and yet they would not, they dared not grant a Committee of inquiry into your condition." I repeat to you I desire no advantages. Let us have the Committee. Let us set to work attempting to elicit sound information, and to benefit our common country. I believe that much good may be done by adopting the course which I propose. I tell you that your boasted system is not protection, but destruction to agriculture. Let us see if we cannot conteract some of the foolishness—I will not call it by a harsher name — of the doings of those who, under the pretence of protecting native industry, are inviting the farmer not to depend upon his own energy and skill, and capital, but to come here and look for the protection of an Act of Parliament. Let us have a Committee, and see if we cannot elicit facts which may counteract the folly of those who are persuading the farmer to prefer acts of Parliament to draining and subsoiling, and to be looking to the laws of this House when he should be studying the laws of nature. I cannot imagine anything more demoralising—yes, that is the word—more demoralising than for you to tell the farmers that they cannot compete with foreigners. You bring long rows of figures, of delusive accounts, shewing that the cultivation of an acre of wheat costs 6*l*. or 8*l*. per year. You put every impediment in the way of the farmers trying to do what they ought to do. And can you think that this is the way to make people succeed? How should we manufacturers get on, if, when we got a pattern as a specimen of the productions of the rival manufacturer, we brought all our people together and said, "It is quite clear that we cannot compete with this foreigner; it is quite useless our attempting to compete with Germany or America; why we cannot produce goods at the price at which they do." But how do we act in reality? We call our men together, and say "So-and-so is producing goods at such a price; but we are Englishmen, and what America or Germany can do, we can do also." I repeat, that the opposite system, which you go upon, is demoralising the farmers. Nor have you any right to call out, with the noble Lord the Member for North Lancashire—you have no right to go down occasionally to your constituencies and tell the farmers, "You must not plod on as your grandfathers did before you; you must not put your hands behind your backs, and drag one foot after the other in the old fashioned style of going to work." I say you have no right to hold such language to the farmer. Who makes them plod on like their grandfathers? Who makes them put their hands behind their backs? Why, the men who go to Lancashire and talk of the danger of pouring in of foreign corn from a certain province in Russia, which shall be nameless—the men who tell the farmers to look to this House for protective Acts instead of their own energies—instead of to those capabilities which, were they properly brought out, would make the English farmer equal to —perhaps superior to—any in the world. Because I believe that the existing system is worse for the farmer than for the manufacturer—because I believe that great good to both would result from an inquiry—because I believe that the present system robs the earth of its fertility, and the labourer of his hire, deprives the people of subsistence, and the farmer of feelings of honest independence, I hope, Sir, that the House will accede to my Motion for

"A Select Committee to inquire into the effects of protective duties on imports upon the interests of the tenant-farmers and farm-labourers of this country."

Mr. *Gladstone* congratulated the hon. Gentleman on the tone and temper of the speech which he had just made. The hon. Gentleman had introduced, with an apology creditable to his feelings, an indignant mention of a certain case, with the particulars of which he was not entirely unacquainted, in Dorsetshire; and in which he stated that a number of human beings were living together in a wretched hovel, under circumstances the most degrading to them, and the most discreditable to those who were placed over them. He was quite certain that the hon. Gentleman might reckon on finding those feelings of sorrow and indignation with which he contemplated such cases in the rural districts—he might reckon on finding abundant sympathy with that sorrow and indignation on both sides of the House. He apprehended that one of the most important practical considerations connected with the maintenance of the agricultural system, was the conviction that among the rural population kindly ties did prevail, and did connect different ranks together, and that upon the part of those who did own land a sense of personal responsibility existed for the condition of those living under them. And when the hon. Gentleman pointed out such cases as that he had referred to, he did feel that he was cutting the ground from under their feet; and if it could be shown that that exceptional case which the hon. Gentleman had stated was to be viewed as an example of the generally existing state of things in the rural districts—if it could be shown that the owners of land and the owners of houses were indifferent to the comforts of those who occupied their property, then he granted to the hon. Gentleman that he had succeeded in removing one of the most powerful impediments to our following in the course which he recommended. Now, as to the Motion of the hon. Gentleman, and as to the speech by which he introduced it, he must confess that he did not think that the latter quite corresponded with the former. The Motion was for "a Select Committee to inquire into the effects of Protective Duties on Imports upon the interests of the tenant-farmers and the farm-labourers of this country?" But, as he followed the speech of the hon. Gentleman, it appeared to him very difficult to discover what really should be the object and scope of the inquiries of such a Select Committee as the hon. Gentleman proposed to constitute. In different parts of his speech, the hon. Member indicated many subjects for inquiry separate and distinct from each other. Some of these seemed to be capable of reference to a Select Committee, there were others which could not advantageously be so referred, but certainly the result would be most unfortunate were a Committee to entertain both classes of subjects in connection. The hon. Gentleman bestowed a large part of his speech upon the description of the rural population in particular districts, but he did think that the hon. Gentleman had imparted some degree of exaggeration to that portion of his address. The hon. Gentleman said—after describing some particular spots and parishes—that he had now given the House an account of the condition of such and such a county; now he thought that this was by no means a fair way of proceeding, nor was the hon. Gentleman's subsequent plan of argument more so; for, after having extended his account from the narrow basis of parishes and particular spots to four counties—he made the still more unreasonable statement, that these four counties represented, with the exception of Lincolnshire—in coming to which the hon. Member seemed to anticipate the hon. Member for Lincoln—the condition of the whole of the purely rural districts of England. It might be true that, not only in these four counties, but in other agricultural districts, a low rate of wages—much lower than he would wish to see—prevailed; and if the hon. Member had confined himself to a demand for a Committee to inquire into the state of the Agricultural Population, such a proposition would have been a very different one from that before the House. But the hon. Member had combined in his Motion, with an examination of the state of the labouring population, a number of difficult questions of political economy, and a number of other difficult questions, with which strong party feeling was much mixed up. Could, then, the hon. Member think—knowing by what sentiments the minds of men on both sides were governed—could he think that he would obtain a calm and dispassionate inquiry into the circumstances of the agricultural labouring population, by combining with that inquiry a reference to the irritating and exciting topics which belonged to the general subject of protection. If the hon. Gentleman could prevail upon the House to grant him that Committee—whatever might be its result, with respect to the doctrines of political economy which the hon. Gentleman wished to establish, the hon. Gentleman would find, that instead of having taking the best mode of laying the grounds for the application of a remedy to agricultural distress—that he had sacrificed all hopes of advantage by the unfortunate combination of his object with questions of political economy. In another part of his speech the hon. Gentleman had spoken on the subject of agricultural improvement, and had quoted some advice of the hon. Member for Berkshire, with reference to the subject, which did that hon. Gentleman the greatest honour. Now, as to improvement, no doubt the hon. Gentleman had the means of drawing comparisons favourable in this respect to the manufacturing interest. Where they had capital in large masses, as in manufactures, they had facilities for the introduction of improvements which they did not possess, when the capital to be exdenped, as in farming, was more broken into small portions. But how could the hon. Gentleman think that a Committee like that which he proposed to institute would lead to agricultural improvement? It was one of those subjects which, like the condition of the labouring population, might be appreciated by a Committee of Gentlemen earnest in their inquiries, but which must be investigated with an entire freedom from passion and prejudice. But what would be the effect of an inquiry into the condition of the agricultural population, and mixing up with that inquiry the question of the Corn Laws? Why the effect would be that many Gentlemen favourable to the existing Corn Law would be placed in a false position of hostility to agricultural improvement, and instead of promoting it the Committee would be more likely to retard its course. The hon. Gentleman had stated that the first proposition which he meant to prove in his Committee was, that this House had no power to regulate and controul the prices of agricultural produce. The hon. Gentleman further stated, that there was a belief in 1815, that the price of corn to be guaranteed was 86*s.* per quarter; that in 1828 the rate had been reduced to 64*s.*; and that his right hon. Friend near him had stated that the effect of the present Corn Law would be to keep corn at about 56*s.* per quarter. Now, he must say, that no such statement as the last was made by his right hon. Friend, and such an impression, if it existed in the country, could only exist in the minds of those who were willing to delude themselves. But no hon. Gentleman, he took it, would maintain that the House had the power of keeping up prices, or if any hon. Gentleman, or any party of hon. Gentlemen, held that it was in the power of this House to secure by law a fixed price for corn, then the question would be open, whether the arguments against such hon. Gentlemen could be best brought forward in a Select Committee or in debate. He had certainly heard hon. Gentlemen say, that they would do all they could, by means of legislative enactments, to secure certain prices—that they would secure, so far as they could, a guarantee for certain prices, by excluding foreign corn in certain states of the home markets, and he concluded that the hon. Gentleman the Member for Stockport did not deny, that they could effect this, inasmuch as he admitted the enhancing influences in prices of the Corn Laws. But as to the proposition, that Parliament had the power to fix prices—before the hon. Gentleman could show reasonable cause to institute a Committee, in order to overthrow that opinion, he ought to show that there were actually persons who held it. The hon. Gentleman went through many other matters which he stated that he intended to investigate if he obtained his Committee: but if that Committee was for any one purpose, it was for the large purpose of converting the House to the politico-economical views which the hon. Gentleman entertained. The hon. Member went round the entire circle of these doctrines. He spoke of the Corn Laws, of the Tariff, of the Wool Duties, and said many things connected with them which he believed to be very true. With respect to the Tariff, the hon. Gentleman stated what he (Mr. Gladstone) confessed he believed to be substantially true. He stated—although would to God it were not so!—he stated that the great reduction which took place in the price of cattle was to be ascribed, not to the importation of foreign cattle under the Tariff, but to the impoverishment of the home consumer. Now, although this might be the case, yet still he thought, that with respect to what was retrospective, they did not require the Committee, and with respect to what was prospective, by mixing up the questions of Corn Laws and protective duties with the question of agricultural improvement, they would be pursuing a most unwise and useless course. But the hon. Member had addressed himself to the question of the proportion in which rent entered into the price of agricultural produce, and he quoted the case of an intelligent agriculturist, who had stated that, in a farm which he occupied, the total expenses of the farm amounted to 790*l.* while the total amount of rent paid was 800*l*, [" *No, no.*"] Well, he was not now prepared to deny the accuracy of the hon. Gentleman or of his informer, but he put it to the hon. Gentleman whether he himself believed that that relation of something more than mere equality between expenses and rent, in the case he had quoted was a fair example of the general state of things in this respect? He would put it to the hon. Gentleman whether he believed that that case fairly represented the proportion between expenses and rent generally existing throughout the country? If he did so believe it, he suspected that he was singular in that belief, and he doubted whether he would find that his informant would coincide with him in this respect. On the other hand, if the hon. Gentleman did not believe his case to be a fair example of the general proportion between rent and expenses, why did he adduce it to the House? But the hon. Gentleman had afterwards modified his arguments, and placed the rent at one-half of the price of the whole produce. But he thought that the hon. Gentleman before he came to this conclusion, must have deducted the whole maintenance of the farmer and his family. He did not allow that to enter into his calculation of the produce. He deducted also the maintenance of persons upon the farm, but if he did so, how could he conceive that he could take such a statement as that which he laid before the House in reference to a farm in Haddingtonshire as a fair representation of the relation between rents and expense? The hon. Gentleman gave it as his emphatic opinion that that on which the whole question depended was, the amount of comforts and commodities which constituted the fund out of which labour was to be paid. But there was another element besides that of the amount to be considered, and that was the distribution. It appeared to him that there was a great error in the school to which the hon. Gentleman belonged—that they were not apt to allow for the influence which habit exercised upon men—that the hon. Member, and those who thought with him, contemplated the transfer of labourers from place to place—from that place where they were born, and their fathers before them—reckoning merely the economical advantages of such a transfer, without allowing anything for the disruption of old ties and associations. [Mr. *Cobden*; " Employ the labourers at home."] He admitted that when the hon. Member spoke of agricultural improvement, he did express a desire to employ the labourers at home, but when he spoke of the protective system, and of the equalizing tendency of labour, he thought that the hon. Gentleman did omit the most important consideration of the serious mischief which would attend such a violent transaction. As far as his speech went upon protection, the hon. Gentleman appeared to him to argue that question upon mere abstract principles, and not to adapt his arguments to the condition of a country where a protective system had long existed. Nothing could be more distinct than the inquiries: whether, if they had a new community to found, and a new commercial code to establish, they should introduce a protective system, and give encouragement to some one occupation, probably at the expense of another, and whether it would be proper for them, as a legislative body, composed of practical men, to adopt, in a country where they found a system of protection established, a sudden disruption of the relations between great masses of the people which had grown up under that system. As to the condition of the labouring agricultural classes, he thought that the hon. Gentleman had not shown that the depressed condition of that population was fairly ascribable to the Corn Laws. As to the prices of corn, the hon. Gentleman had adopted a tone in this House of which, although he was not prepared to say that it was at variance with the tone adopted by the hon. Gentleman elsewhere, yet he did say that it fixed the standard of reduction in prices which he expected would follow free-trade, on a very moderate scale indeed. The hon. Gentleman had stated that the standard of prices for twelve years gave an average of about *56s. 7d.* per quarter. And then he referred to Jersey and the Channel Islands, as showing, on a small scale, what would proably be the working of a free-trade in corn. It appeared, then, from the hon. Gentleman's statement, that during the corresponding twelve years the prices of corn in the Channel Islands showed an average of 48*s*. He also stated that it was but fair to anticipate that the continental price of corn would be raised by the opening of English ports, and therefore he concluded, that the prices under a free-trade in corn would be from 50*s*. to 51*s*. per quarter. He believed, that this avowal would carry considerable weight in certain quarters; but it was rather against those portions of the hon. Gentleman's argument where he spoke of the artificial scarcity, and of the urgent necessity for providing some great improvement in the condition of the capability of the poorer classes to purchase food. But perhaps the hon. Gentleman would maintain, that the charge upon importation not only enhanced prices, but produced irregularity of supply. Many persons however contended, that the Corn Laws had not produced irregularity of supply; and if he wished to do justice to all parties, he would acknowledge, that the parties who had passed the Corn Laws in 1815—the Earls of Liverpool and Ripon—did so under the sincere belief, that they were thereby doing their best to secure to the people the most steady and abundant supply. But there were many of the facts which the hon. Gentleman proposed to prove in his Committee, of which there was no need of a Committee to prove. As to the amount of freight from foreign ports, they were almost bewildered with the facts which they had already collected with reference to that subject. He believed, that the assumed protection on the ground of the cost of freight was sometimes underrated and sometimes overrated, but the facts were already thoroughly examined, and the hon. Gentleman could not go a step further in sifting them if his Select Committee were to sit from the present time to a dissolution. It would be most unwise, then, to appoint a Select Committee for such a purpose. There were many other matters which must come before the Committee—matters, he admitted, less perceptible in the Motion, than the speech of the hon. Gentleman. But let them look at one proposition mooted on the Motion itself. The hon. Gentleman was prepared to show, that protection laws were useless or positively injurious to farmers or farm labourers. Well, many hon. Gentlemen were prepared to argue the very contrary. He had himself heard the hon. Member for Wiltshire argue with great ingenuity and a good deal of truth, that one of the most inconvenient results in effecting any change of the law, was the sudden and violent change as regarded the farmers. The hon. Member for Wiltshire reasoned thus: "The landlord must live; and if he cannot get a fair rent for his land, he will endeavour to effect that object by taking it out of the pockets of the farmer." In point of fact he said, "If you press upon the landlord, you will force him either to farm his own land, or to adopt cheaper modes of cultivation." And he confessed it was no absurd or improbable supposition, that if there was any great pressure on the landlords as a class, they might extend their efforts to new modes of managing or cultivating land. He did not mean new modes of carrying on the process of cultivation; but he meant that other persons, of a different class or description, would settle upon farms, which being no longer dwelt upon by men of limited capital, a system of wholesale management would be introduced, with a view to more economical production. And it was quite possible, that such products might be raised at a cheaper rate when the cultivation of the land was taken out of the hands of the farmer, who held a middle place between the landlord and the labourer. But he did not think. that because such results might be favourable in a general or abstract point of view, it was, therefore, wise to change the present law, and cause a violent revolution in the condition of the farmers. Of course it must follow, on his supposition, that many farmers would be superseded, not having capital enough to carry on the cultivation of their farms under the new system, and, after suffering the greatest inconvenience themselves, must aggravate the evil in the case of others, for whose farms, situated in other places, they would become competitors. Well, again, if one looked to the case of the labourer, there were many who were seriously of opinion that the danger of causing a great and sudden displacement of rural labour was the best and most valid argument against a change in the Corn Laws. No doubt there was great force in it. The hon. Gentleman might think that danger chimerical. In his speech he introduced the allegation that the Corn Laws were opposed to the interests of the landlords, as well as of the farmers and the labourers. In his Motion he separated the landlords from the other two classes, and he left it open to the invidious construction that the landlords were pursuing a course with reference to their own interest alone, and exhibited an inhuman and brutal disregard of the interests of those under them. But was it not perfectly possible that the landlords should be not the most interested but the least interested in the maintenance of the Corn Laws? Did not the hon. Gentleman himself tell us that, in the grazing farms of Northamptonshire, a larger share went to the pockets of the landlords than on land cultivated in corn? No doubt, the hon. Gentleman's speculation, in alluding to this point, was, although there might be a decrease in the growth of corn, yet the increase would be so great in the consuming power of those engaged in manufactures—there would be such an augmentation in the demand for meat and other articles, as must compensate for the detriment arising from the abolition of the Corn Laws, and in that way would be replaced any immediate diminution in the amount of rents. That might or might not be a good argument in the case of landlords. It might be a fair and reasonable thing for the hon. Gentleman to undertake to show that assuming a much larger demand for meat and other articles of agricultural produce, the landlords might on the whole be able to keep up their rents. But how did that argument apply to the labourer? The hon. Gentleman had himself supplied them with information which made the result patent to the most cursory observer. The hon. Gentleman must be aware that little labour was employed on the grazing lands which he instanced, and he glanced at the possibility of such a state of things arising on the repeal of the Corn Laws, as that the landlords might be able to maintain their rents by a different application of the soil. But it must be recollected that a large proportion of agricultural labourers were habituated from youth to employment on the land, and on its continuance they were now wholly dependent; and it was to this he adverted when he ventured to say the hon. Gentleman had not, he thought considered sufficiently the effects of any great and sudden change in the law affecting corn; because the hon. Gentleman must know, that however prosperous the owner of land might ultimately be from the increase in the amount of manufactures, the labourer would be cut off from all hope, deprived of the occupation which supplied his bread; and though others might profit by the change, to him it would be utter ruin. There was one very emphatic passage in the speech of the hon. Gentleman, in which, having referred to a picture of the state of the rural population, he summed up the particulars by asking, "who can be acquainted with these things, and stand up for the Corn Laws?" But the hon. Gentleman forgot to prove that there was any connection between the two. The real question was, not whether the distress existed, but whether the Corn Law was the cause of it. He must confess that part of the hon. Gentleman's argument seemed to him to resemble the precipitate views of some who, seeing in the manufacturing districts some flourishing and having abundance of wages, and others on the other hand living on extremely low wages, and being in great distress, said, like the hon. Gentleman, "can you admit these facts and stand up for manufactures?" The hon. Gentleman would argue that machinery had nothing to do with the distress, just as others were ready to argue the Corn Laws had nothing to do with it in the agricultural districts. They were not then debating the question of the Corn Laws; but the hon. Gentleman was bound to recollect that there were those who maintained, not only that the Corn Laws were not the cause of distress, but that they greatly tended to limit it in the agricultural districts; and he ought not, therefore, to assume without proof, a connection on which the whole argument must depend. Now, as to the assumption that protective laws were opposed to the interests of the tenants and farmer labourers. No doubt these were curious questions of investigation, but surely they were difficult questions of political economy. They could not be investigated on a statement of facts. They were as pure propositions in political economy as any other in Adam Smith, M'Culloch, and Ricardo. The questions how the interests of different classes were affected by protective laws—in what proportion the benefits accrued to each—what were the different modes and channels through which each received its share—were most important, interesting, and difficult questions; but he contended they were not questions on which they with advantage could put men into the witness box and question them as to facts. If there was any ground for the distinction between questions of fact and of opinion, these were questions of opinion, and not of fact. Instead of being fit for the consideration of a Select Committee, they were the very last that should be referred to such a tribunal. And he must say, from the long argument into which the hon. Gentleman entered, it was clear he did not really contemplate a Committee as the best mode of arriving at a practical result; for making a speech in introducing his views, which he discussed with great ability, he had an opportunity of setting forth the impartiality and fairness of the tribunal to which he meant to refer for adjudication, of declaring that he was disposed to be liberal in its composition, and that it should reflect fairly the opinions that prevailed in the House; but it was evident, from the line the hon. Member adopted, that the advantage he anticipated was the consideration of abstract and difficult questions, such as the doctrine of rent. [Mr. *Hawes:* "Mr. Cobden did not say so."] He was not about to oppose the Motion on this dry ground alone, for there were many others on which he should object to it; but he defied the Committee to investigate the effect of "protective duties on imports," without a full consideration of the different theories referring to the doctrine of rent. The whole question turned on this; what proportion went to the landlord, and what was retained by the farmers. On account, then, of the complicated and unsuitable nature of the subjects which must be investigated, he was opposed to the Motion for a Committee. ["*Laughter!*"] The hon. Gentlemen opposite could not surely be surprised at his coming to such a conclusion. He asked the hon. Member for Stockport himself whether he did not see good reasons against a Select Committee. What was a Select Committee? It was a body to which, during its sitting, the House might be supposed—he did not mean by any formal compact—to delegate its authority. It was instituted, they all knew, generally to prepare materials to assist the House in forming its judgment on any important question, but one of the most important practical results of the institution of a Committee was, that for the time it put the authority of the House in abeyance on the subject under examination. Was the hon. Gentleman prepared to accede to those terms? Did he mean to exclude the consideration of the Corn Laws while the Committee sat? [Mr. *Bright* had no objection.] Let the House observe the materials on which this Committee would have to work. First, they were to examine the subject of freights; next the power of Parliament to regulate the price of Corn; then the doctrine of rent; then the condition of the agricultural labourer; and then the whole subject of the agricultural improvement, including all those multiform regulations in which his hon. Friend the Member for Berkshire (Mr. Pusey) took so warm an interest. If thirty days were too little for a man acquainted with a county to investigate the condition of the labourers in it, he should like to know how long fifteen Gentlemen advocating fifteen different opinions, would take in examining through a Committee box the condition of the agricultural population in all the districts of England, Scotland, and Ireland. It was clear that the hon. Gentleman had better adjourn—he would say *sine die*—the sittings of the Anti-Corn-Law League, if he were prepared to accede to the terms which the hon. Member for Durham (Mr. Bright) would agree to. That hon. Gentleman had no objection to exclude the whole matter from discussion. [Mr. *Bright:* " In this House."] If the hon. Member were prepared, even as far as this House was concerned, to observe an inviolable silence until this Committe should report—this Committee consisting of a majority of agriculturists—mark the unfortunate predicament he would be placed in if the House were to accept his proposition. He would have placed himself in the hands of a majority of protectionists, who would know that he could not moot the subject in this House until they had made their report, and they would have the power by a majority of voices of prolonging the period of making their Report from Session to Session. But seriously; when they were acquainted with the manner in which the examinations and cross-examinations were conducted in Select Committees of this House, and the way in which every hon. Member who cross-examined a witness endeavoured to induce him to contradict what he before said, did the hon. Gentleman think that agricultural improvement of all descriptions, along with the situation of the rural population in every district, and along with other subjects the most difficult in political economy, could be examined into and reported upon by a Committee in the course of the present Session? He was quite convinced, although the hon. Member was disposed just now to make a very handsome offer, that that hon. Gentleman would not be well supported by those with whom he usually acted, that they would not be bound by his pledge, and that although he himself might be precluded from proposing a Motion and speaking upon the subject, yet others would preserve themselves unfettered. He saw behind the hon. Gentleman the hon. Member for Wolverhampton, who, he believed, within the last few weeks had emphatically signified his intention to bring on the annual discussion on the Corn Law. Of course, when he gave that intimation, he must have been cognisant of the intended proceeding of the hon. Member for Stockport. Was that hon. Gentleman prepared to forego his Motion in case a Select Committee was appointed? [Mr. *Villiers:* " Certainly not."] Then the House would stultify itself if it appointed a Committee to examine into and report upon a subject which would be discussed in this House at the very time the Committee was engaged in its inquiries. He would not go into detail; for he thought it must be apparent to the common sense of every gentleman who heard him, that to appoint a Committee, and delegate authority and power to it, to examine into a difficult, complicated, and extensive subject, upon which the House meant to vote definitively within the space of a few weeks, and before that Committee could possibly report, must be allowed to be a proceeding that the hon. Gentleman himself did not expect would be seriously entertained; and that in proposing it his object was simply to raise a discussion upon the Corn Law. There were other practical objections to a Committee of this description. The Committee, according to the terms of the hon. Gentleman's Motion, would be perfectly free to inquire, not only into the Protective Duties upon Corn, but into all Protective Duties; and an inquiry into the Duties upon Sugar would, of course, form a prominent feature in their labours. That would be an additional chapter in the labours of the Committee, and would probably occupy them for another Session; and they would, no doubt, institute inquiries into the Protective Duties on various other articles. Now, he must be permitted to express his opinion that if no strong practical reason could be shewn for appointing a Committee of this description, it was a most unfortunate and ill-judged proceeding to adopt such a step; for the measure must have the effect of unsettling the public mind on the subject to which the inquiry related, and of paralysing trade and revenue as far as they were connected with it. They had had some experience on this subject. He would take the case of Sugar, the Duties on which, putting aside their protective character, involved a great revenue—about 5,000,000*l.*; and the article of Sugar formed a most important element of the home trade, as well in the great central markets of this country, as in the most remote and sequestered districts. He contended that there were great objections to inquiries by Committees of that House with respect to such articles, because such a course was likely to exercise a most paralysing effect both upon revenue and trade. He was far from meaning that these objections were in every case to over-rule the reasons for inquiry. There might be very strong and valid reasons for inquiry; but, if such reasons did not exist, he conceived that the disadvantages which must necessarily attend inquiry were of great weight, and deserved careful consideration. In the present case his argument was, that they could do nothing by a Select Committee which they could not do better without it. The topics to which the hon. Gentleman had referred, so far as they related to matters of fact, had already been extensively elucidated by returns and discussion; they were in possession of all the means of discussion, and it was wholly useless to appoint a Committee to prepare those means. The hon. Gentleman had said, "Do you think the appointment of this Committee will add to the agitation on the subject of the Corn Laws?" He thought it would; or at least it would add to what was of much more importance—to apprehension on the subject. With regard to agitation, this country had the happy peculiarity of being able to bear a larger amount of agitation, without serious consequences, than perhaps any other nation in the world; and he believed that there was a strong impression upon the public mind that the exertions of the Anti-Corn-Law League, with which the hon. Member for Manchester was connected—however active, and able, and indefatigable its Members might be—need not, at all events under existing circumstances, so long as it should please Providence to bless the country with the abundance which it now enjoyed, and so long as the Parliament and the Government were firm in redeeming the pledges —expressed or implied—which they had given, be regarded with any very serious apprehensions, and that the most important feature of the meetings was probably the parade and ceremonial with which they were attended. But, if the House consented to the appointment of this Committee, it would be said that legislation was contemplated; and this brought him to the question, "Do we contemplate legislation on the subject of the Corn Laws?" Upon this subject he thought he need not do more than refer to the declaration made, he believed on the very first day of the present Session, by his right hon. Friend at the head of the Government. But if they assented to the appointment of this Committee, he conceived that the very fact that the hon. Gentleman opposite (Mr. Cobden) was the originator of the proposition—a Gentleman whose speeches in that House on the subject of the Corn Laws had been marked by the most unvarying, rigorous and consistent opposition to the Corn Law—would lead parties out of doors to imagine that a proposition for inquiry into the effect of Protective Duties, emanating from such a quarter, was not a general launching of the question for impartial investigation, but indicated a foregone conclusion; and such a measure must have the effect of unsettling public confidence. It was not of alarming the selfish fears of some men that he was afraid, though even from that, mischief might arise; but he did consider it of the very highest importance that confidence should be maintained with regard to the intentions of the Legislature on the subject of the Corn Laws; first, for the sake of the character of the Legislature itself, which he trusted had not reached such a pitch of levity that, without new cause shown, it would be prepared to reverse solemn decisions to which it had come after mature deliberation; and, secondly, because the important subject of the increase of rural employment through the extension of agricultural enterprise—a question the importance of which, he conceived, could not be exaggerated—was involved in the maintenance of this confidence. What would be the effect upon this increase of employment and extension of enterprise, if the House were to indicate any intention of legislating upon the Corn Laws, and to indicate such intention in a manner which, of all others, would, he believed, be the least acceptable that could be chosen, by placing the question in a state of lingering uncertainty, by submitting the subject to the examination of a Committee, which for a long period at least would be utterly unable to present an adequate report? For the sake, then, of the extension of agricultural employment and improvement, and for the sake of the trade of the country, he strongly deprecated the appointment of this Committee.

Mr. *Hawes* had heard with unfeigned regret the speech of the right hon. Gentleman who had just sat down, and who, he conceived, had made a most unsatisfactory reply to the able speech in which his hon. Friend had introduced his Motion. That hon. Gentleman in proposing the appointment of this Committee, had showed that most severe and extensive misery and distress prevailed throughout the country, and he had called upon the House to institute an inquiry into the subject. The right hon. Gentleman had declared that this distress could not be attributed to the Corn Laws; but he was prepared to maintain that it was distinctly traceable to that source. He must say, notwithstanding the personal respect which he entertained for the right hon. Gentleman, that he considered the greater part of the right hon. Gentleman's speech was neither more nor less than the most frivolous trifling. Had no Committees been appointed on former occasions to inquire into agricultural affairs? When the subject of agricultural distress was, at a former period, brought before the House, was any objection taken to the settlement of the question of rent, before an inquiry was instituted as to whether protection ought to be increased? But now, when a decrease of protection was demanded, it was objected that the abstract question of rent stood in the way of inquiry. The hon. Member for Stockport had proposed this Motion on the ground that great moral and physical degradation and destitution prevailed throughout the country, and especially in the agricultural districts. The right hon. Gentlemen opposite objected to the institution of such an inquiry, on the ground that a long period must elapse before the Committee could prepare a report; but was that a sufficient answer? The right hon. Gentleman had said, that the question of price must enter into the discussion of this subject. Why, what said the right hon. Baronet (Sir R. Peel) when he introduced the Corn Law? He said, that Acts of Parliament could not regulate prices; but, said the right hon. Baronet, "Under the New Corn Law I fully expect you will have a price of 56*s.* or 58*s.*" The expectations of the right hon. Baronet, however, had not been realized. He must call the attention of the House and of the farmers of this country to a declaration which had been made by the right hon. President of the Board of Trade in the course of his speech. The right hon. Gentleman said, "Grant this Committee, and an expectation will go abroad, that we may legislate on the Corn-laws." And he added, "That while we are blessed with abundant harvests, while Providence enables us to have corn at the same price at which we should obtain it under a system of free-trade, he anticipated there was no reason for legislation." He agreed in the conclusion of the right hon. Gentleman, that if they always had abundant harvests—such, for instance, as they had in 1836—they would hear no more about the repeal of the Corn Laws; but did experience justify such an expectation? Had they not recently had four bad harvests; and was a statesman in that House to tell the country, that the maintenance of his law depended only upon the weather—that as long as prices were low he would continue his law, but that when they became high, he would abandon it? Was this a proof of the firmness of Parliament? [Mr. *Gladstone:* I made no such remark.] He certainly understood the right hon. Gentleman to say, that the existing law was safe while abundant harvests continued. This, he contended, was neither more nor less than a declaration that the legislation of that House upon the important subject of the Corn Laws—affecting rent, on the one hand, and the comforts of the poorest labourers on the other—depended upon the mere accident of weather. The right hon. Gentleman had said, it was surely right that Parliament should abide firmly by the pledges, implied and expressed, which had been given on the subject of the Corn Laws. He had occupied a seat in that House for a considerable time, and certainly, the pledges which were given there were generally rather implied than expressed; but he had heard pledges given which most distinctly implied the maintenance of the old Corn Law; and by no set of men had those implied pledges been more distinctly or definitely given than by the Colleagues of the right hon. Gentleman, the President of the Board of Trade. But the people found they could put no faith in those pledges; and, indeed, they ought not to put faith in them. The right hon. Gentleman had referred to the introduction of the Corn Law of 1815, and had contended, that the grounds upon which Lord Liverpool introduced that measure were those of maintaining greater abundance and regularity of price. These, however, were not the grounds assigned by Lord Liverpool himself, in a very remarkable speech which he made on the 26th of May, 1820, in a debate relative to the foreign trade of the country, when the noble Earl vindicated the reasons, and explained the grounds on which he introduced and passed that measure. Lord Liverpool said:—

"I was one of those who, in the year 1815, advocated the Corn Bill. In common with all the supporters of that measure, I believed that it was expedient to grant an additional protection to the agriculturist. I thought that after the peculiar situation of this country during a war of twenty years, enjoying a monopoly in some branches of trade, although excluded from others—after the unlimited extent to which speculation in agriculture had been for many years carried, and considering the low comparative price of agricultural produce in most of the countries of Europe; the landed property of the country would be subjected to very considerable inconvenience and distress if some further legislative protection were not afforded to it. I thought the Corn Bill was advisable, with a view of preventing that convulsion in landed property which a change from such a war to such a peace might otherwise produce. On that ground I supported the Corn Bill. During the discussion of that question I recollect that several persons were desirous of instituting a long previous inquiry; and that others, still more erroneously, wished to wait for two or three years to see how things would turn out before they meddled with the subject. At that time I told those who maintained the latter opinion, that it appeared to me to be a most mistaken one. What I recommended was to pass the Corn Bill (and thus to give a further, and under the circumstances, I thought, a proper protection to agriculture); but I delivered it as my opinion, that if it was not passed then, it ought not to be passed at all; and upon this ground, which, whether it be wise or not, is at least intelligible—that I could conceive a case in which it might be expedient to give a further protection to the agriculturist, but that I was persuaded that the worst course which it was possible for the Legislature to adopt was, to hang the question up in doubt and uncertainty; that the consequence of not legislating at all would be that rents would fall,—that a compromise would take place between the owners and occupiers of land,—that the landlord and the tenant would make a new bargain; and that if, after all the distress incident to such changes had passed away, a new Corn Bill should be agreed to, it would be most unequal and unjust in its operation."

Had no new adjustment between landlord and tenant taken place since this period? He had heard the admission from hon. Gentlemen opposite that rents had fallen; and if such a new adjustment had taken place they were bound to give up the Corn Law of Lord Liverpool. The majority which the right hon. Baronet had to support him in his opposition to the repeal of the Corn Laws would not, he thought, prevent that alteration from being ultimately carried into effect. He trusted to the progress of public opinion, led on as it was by the hon. Member for Stockport. It was said, as an objection to the Committee which the hon. Gentleman behind him had moved for, that it would affect the revenue? But had they not had on former occasions Committees of that House on subjects influencing the condition of the revenue. Had they not had Committees upon Sugar, upon Timber, and did not the Chancellor of the Exchequer only last night, assent to a Motion of the hon. Member for Montrose, for a Committee to inquire into the Tobacco trade? That article affected no less than 3,000,000*l.* of revenue, and yet the Committee was not opposed. The right hon. Gentleman said his hon. Friend the Member for Stockport had not traced the distress of the country to the Corn Laws: he (Mr. Hawes) thought his hon. Friend had very clearly done this; and he could refer to one proof of the injury done by the Corn Laws to the working man, where he should least have expected to find anything of so decisive and striking a nature—a Report to the Committee of the Privy Council on Education, in 1841, by Mr. Tremenheere, one of the Commissioners appointed to inquite into the state of education in Norfolk. That report contained a very strong proof of the great injury which labourers had to bear by reason of the high prices of corn, coupled with the fact that their wages did not rise in the same proportion. It was perfectly obvious, that any law which had this effect must greatly increase the sufferings of the agricultural population, and also the fluctuations in the prices of commodities. The Commissioner compared the wages of two families, one in 1840, making 62*s.* a month, the labourer himself 48*s.* or 12*s.* per week, and his son 14*s.*, or 3*s.* 6*d.* a week, while the flour consumed came to one bag at 53*s.* leaving 9*s.* applicable to the general expenditure of the family; the other family in 1841 making altogether 56*s.*, the labourer himself 44*s.*, at 11*s.* per week, and his son 12*s.* at 3*s.* a week, the consumption, one bag of flour at 42*s.*, leaving 14*s.* applicable to the general purposes of the family. In this case it would be seen that although 6*s.* were added to wages when flour was dear, 11*s.* had been added to the expenditure to purchase flour; and that when wages were high and flour high, the surplus applicable to general purposes was only 9*s.* per month, whereas, when wages were low, and flour low, the surplus applicable to general purposes was 14*s.* When prices were still lower the difference in favour of the labourer was increased, as Mr.

Tremenhere proceeded to shew in further instances. It was clear, therefore, that the Corn Law must have the most injurious influence on prices, and increase the natural fluctuations of employment. The House ought fairly to consider what would be the classes affected if the Committee were appointed. There would be the landlords, as regarded their rents; the farmers, as regarded their profits; and the labourers. If the rent of the land depended on its surplus produce, and if that depended on the capital and skill embarked in its cultivation, the Corn Law must necessarily fail to ensure the greatest amount of production and capital, unless it gave the most perfect security. But did the Corn Laws grant that security? Look at the history of these laws and of agricultural distress. From 1815 to the present time, how many different laws had they had, all of which had gradually broken down, and been swept away! If the right hon. Gentleman with his great abilities, had been able to make out a case favourable to the law in its bearing on the tenant and the labourer, would he not have done it? So far from doing so, the right hon. Gentleman had made a speech, which he did not think could be better described than as admirably seconding the speech of the hon. Member for Stockport. Sure he was that the refusal of the Committee accompanied by that Speech, was likely to have no small effect in stimulating the agitation now prevailing throughout the country. He regretted the refusal to inquire on public grounds; if the right hon. Gentleman would consent, there might be some chance of effecting a settlement at a time when the population of the country was not in a state of excitement and rage, and when the seasons had been comparatively abundant. It was the interest of the landlords and the farmers to agree to such a settlement, if they had not perfect security under the Corn Law, and he defied any body to say they had, notwithstanding the right hon. Gentleman's eulogy on the firmness of the Government. If there was not entire firmness, their opposition to change prevented the application of capital to the land, repressed enterprise, and limited production. Gentlemen opposite had a great horror of free-trade, as the cause of insecurity; but let them look back twenty years in the commercial history of the country, and point out if they could, a single instance to which any material approximation had been made to free-trade principles, that had not conduced to public wealth and abundance. Such had been the effect of all the alterations made by Mr. Huskisson, Mr. Thomson, and the right hon. Gentleman opposite. No doubt every alteration produced a certain portion of evil at the time, but this should be laid at the door of the protectionists, who built their house on a false foundation. He contended, that the final effect of every change had been to increase the industry and the material comforts of the people, and the revenue and moral power of the country. The late Mr. Cobbett, in his *Weekly Register*, proved that the effect of a change in the Corn Laws would be not to replace English corn by foreign corn, but to add a quantity of foreign grain to the insufficient supply of home-grown corn, which would be paid for by an increased export of manufactures. After all the evidence which had been given before Poor Law Committees, and Hand Loom Weavers' Committees, could it be doubted that the population of this country might consume double the quantity they now did? If this were so, our own agriculturists could not with their utmost efforts increase their produce so far as to supply the additional quantity wanted, or to give every able-bodied labourer a fair meal after his day's work. Unless they could do so, they had no right to tamper with starving men, or put them off with delays; and they were bound to allow our manufactures to be exported in increased quantity in order to procure a larger supply of provisions. Every step they had already made in this path, by letting in Irish corn and French or Prussian corn, had been coincident with an improvement in their trade. In support of these views he could refer to an article which, from the information he had received, he had every reason to believe was written by the right hon. Gentleman the President of the Board of Trade, in a periodical work of considerable circulation, which it would not be unprofitable to contrast with the speech which the right hon. Gentleman had that night delivered. He thought it too bad that Government having acquired influence by anonymous publications written on liberal principles, should afterwards make use of that influence in defence of protection. The Tariff passed two years ago, was full of instances in which the labour of the country was unsparingly exposed to competition, and at the present time, although Government was only asked not to give up the protection which particular classes enjoyed, but to enquire whether or not it was beneficial —now a Committee to examine the question was refused. The article he had referred to stated that,

> "It had now become matter of the most plain and proximate utility, it should rather be said of necessity, as we were now forced into competition in all the markets of the world, to use every effort to cheapen production and relieve the materials of our industry, in the order of their importance, from fiscal exaction; mitigating with a just measure of regard to interests established by law, all partial burthens on trade, by which the community, as a whole, was laid under contributions to support particular interests or classes."

If this were the opinion entertained by Ministers, he said the first thing in the order of importance was corn; and they had no right to trifle with the interests of the labouring classes, and refuse to make any concession for their welfare. Throughout the country, he did not hesitate to say that great disappointment would be felt at the right hon. Gentleman's speech, while he was perfectly sure that that of the hon. Member for Stockport would make a great impression. There were some Gentlemen, who, if they had now to go before their constituents in a populous town of Nottinghamshire, would find that the subject was one of greater importance than by their demeanour they seemed to suppose. He should give his support to the Motion introduced by the hon. Member for Stockport whose speech would sink deep in the minds of the people, and produce before long, great practical effect in the country.

Viscount *Pollington* observed that within the walls of that House there were of course upon so important a question as the Corn Laws a variety of conflicting opinions, held by individuals whose high station and position before the country entitled them to the highest deference and respect. Great as was his estimation for his hon. Friend the Member for Hull, he could not concur in the whole of the sentiments expressed on this subject on a former evening by his hon. Friend. He did not think that the article of corn was a fair subject for taxation for the purpose of revenue. [*Hear*]. Before hon. Gentlemen opposite cheered it would be as well they should hear him finish the sentence. He did not think the Corn Laws a fair system of taxation for the sake of revenue, but that they were required, upon the principle and basis of preserving the country independent of foreigners, and for the protection of agriculture. He did not believe there was any greater blessing the people could enjoy than free-trade, but in order to make free-trade a blessing it was necessary that free-trade should be truly free, and not that sort of free-trade of which the right hon. Gentleman the late President of the Board of Trade was so enamoured — that free-trade which would admit the productions of all those countries which systematically opposed the import into their markets of the products of Great Britain. He did hope that the time would come when all the great markets of the world would awaken to their true interests, and by one general agreement consent to trade together in the most free and unrestricted manner, and when all import duties would cease. This he believed they might do without any fear on account of revenue. The greatest Minister who ever ruled this nation had held it was the duty of a nation to depend for its supply of food upon its own natural resources. This principle had been acted upon by the present Government, which by direct taxation had succeeded in obtaining an equilibrium between the income and expenditure of the country. The party opposite, of which the hon. Member for Stockport was at the head, had been put to great shifts in order to further their cause. He would mention one which was a little fact, the child of a "great fact." He alluded to the misrepresentations which had gone forth to the public with reference to Mr. Rand, of Bradford, a gentleman the possessor of a large fortune, and remarkable for intelligence and abilities. On the occasion of the contest for the West Riding of Yorkshire, when Lord Morpeth was thrown out, Mr. Rand had been selected to second the nomination of his hon. Friend who now so ably represented the West Riding (M. J. S. Wortley). Now at the Anti-Corn-Law Meeting lately held at Bradford, it was thought by the League that the first great thing to be achieved was to prevail upon Mr. Rand to take the chair; in this they failed, but succeeded in obtaining the services of a relative of that gentleman of the same name. Upon this, in the leading article of the leading journal of Whiggery, the *Morning Chronicle*, of the 26th December last, were the following remarks:—

"The comparative leisure of the Christmas holydays enables us to recur to the subject of the great Bradford meeting. The adhesion of Mr. Rand to the League is another proof that the screws are getting loose, and that the beginning of the end is near. Mr. Rand is a Tory manufacturer, chairman of the Tory committee in the Bradford district. In 1841 he preferred his politics to his trade; in 1843 he prefers his trade to his politics. At the hustings where Lord Morpeth was defeated no man was more energetic for the Tories. At the hustings, should such strictures be required this year, we take it, his energy will be on the side of Mr. Cobden. Mr. Rand belongs to a class of persons fast increasing, who are not disposed to sacrifice the commerce of the country to party politics. This, after all, is the class of persons who, in a practical country like England, make and unmake Administrations. We consider, therefore, the appearance of Mr. Rand on the Anti-Corn Law platform with Mr. Cobden, occupying as he did the conspicuous part of chairman, a symptom of great consequence."

Now, so far from Mr. Rand, the Tory chairman of the Bradford district, being the gentleman who presided at the League meeting referred to, he attended the protection meeting lately held at York, and proposed one of the resolutions adopted by the meeting. The noble Lord concluded by declaring his opposition to the motion before the House.

Mr. *Francis Scott* (*Roxburghshire*) believed, that although the hon. Member for Stockport was a sincere advocate for the interests of the League, he was not a sincere advocate of the interests of those whose cause he professed to advance, or else why should he exclude the labouring classes from being examined as witnesses before the Select Committee for the appointment of which he now moved? Again the Corn Law of 1815 had nothing to do, nor had it any connexion with the existing law, and it had only been alluded to by the hon. Member, in order to serve party purposes. In the same manner the hon. Member had drawn a most unjust comparison between the position of the interests of the manufacturers and the agriculturists, which he held to be identical with the position of each in 1815, at the close of the last war. The hon. Member had said the landlords kept up scarcity in order to improve their lands; this he denied, for the object and desire of the landlord was the production of plenty—a circumstance proved by the fact, that at the present time with double the population, and with threefold the amount of taxation, the people were fed as cheaply as they were forty or fifty years ago. The hon. Member had referred to the convention of Jersey as a fit test of the advantages of free-trade. Why refer to the smallest island in Europe? Why not have taken any one of the countries of Europe? If he had done so, he would have found from Returns already before the House, that the price of corn for the last fifteen years had been more steady in Great Britain than in any other country in Europe, except Sweeden and Switzerland. The hon. Member next referred to the article of wool, as if it afforded an instance of absolute protection. Wool, however, had a greater variation in its prices than corn or any other produce and could not at all bear upon the present question. The next point urged, was the subject of rents, as though the landlords had brought them forward as the sole object for which the Corn Laws were maintained. Now, he should like to know in what proportion rents of land, taken in connexion with the wages of labourers employed on land, stood in comparison with the profits of manufactures taken in connexion with the wages paid to artizans. Rents were the same now as in 1815; the produce of the land was two-fold, and wages remained where they were. On the other hand, the produce of manufactures had increased beyond all imagination; the profits of manufacturers had increased in a similar proportion; but he wished to know whether wages were the same now as formerly, especially those of the handloom weavers and the framework knitters and others. There was no body of men who derived so small a profit on so large an amount of capital as the landlords, and, *vice versâ*, there was no body of men who derived so great profits on so small capital as the manufacturers. He maintained that the labour of the poor man was his capital, and his only capital; and of that capital the hon. Member for Stockport sought to deprive him by the measure he proposed. It was that capital which they on his side of the House, in spite of the obloquy which had been attempted to be cast upon them, were determined to preserve [*Cheers*]. The hon. Member cheered—he was glad he did so, for it was the poor man's interest he was advocating at the present moment. The hon. Member had again alluded to Dorsetshire. He should leave Dorsetshire to defend itself; but a statement had been made as to the state of other counties which made the heart bleed for the condition of the poor man; but when he heard the hon. Member refer to Scotland in the same manner, and state that his description of Dorsetshire applied to Scotland, he must say, that he was not indignant, but surprised, at the audacity of the hon. Member in making such a statement. The hon. Member had observed, that the further he was removed from those tall chimneys with which he was so enamoured, and from which he no doubt derived his wealth, in the same proportion he found increase of misery and destitution. He believed that in the same proportion as the hon. Member could remove from those same tall chimneys, in the same proportion he departed from accuracy. The hon. Member had had the assurance to state that the price of labour in Scotland was at an average of 6*s*. 8*d*. per week—that the common wages were 4*s*., made up in meal, potatoes, and milk, to 6*s*. 8*d*. per week. When he looked at the hon. Member's inaccuracies with regard to Scotland, he could not believe him to be accurate in his statements as to Dorsetshire. When the hon. member alleged that 6*s*. 8*d*. was the average weekly wages in Scotland, he had stated about half; for from 9*s*. to 12*s*. or 13*s*. per week would give a truer account of the amount of wages in Scotland, and that, too, during the whole year. Were the wages of manufacturers permanent throughout the year? The hon. Member (Mr. Cobden) had next dealt with the questions of produce and tile draining; of this, the only matter that was clear was, that the hon. Member was entirely ignorant of the subject on which he was speaking. With regard to the state of the manufacturing and agricultural districts, he would allude to statistics which would enable the House to form some criterion on the comparative condition of each. In the first place, as to the duration of life, it appeared that in an average taken for a period of thirty years, the duration of life was thirty-eight years in the agricultural, and only seventeen years in the manufacturing districts. On the whole, then, he begged to ask, what was the proposed change to effect? Was it to enable this country to export more goods to foreign countries? Would those foreign countries take them if the change was made? Why, they had clearly shown they would not. The hon. Member stated, that in the county of Haddington the rent was about half the value of what each farmer brought to market. Why, if that was the state of things, why was it everybody in Scotland did not invest their property in land? The truth was, he suspected, that property so invested would not realize three per cent., whereas by applying it to manufactures it would return 30 per cent. [*Laughter.*] Hon. Gentlemen opposite might laugh, but let them remember the hon. Member for Stockport stated the other night the case of a poor man who from nothing had realized 100,000*l*. This had been done, not by an investment in land, but in mills and manufactories. The hon. Member stated, that pauperism and want of employment in agriculture had increased with protection, but he maintained there had been a much greater increase of pauperism with the increased profits of manufactures. In calling upon the gentlemen from Scotland, he understood the hon. Member for Stockport to throw out a challenge to them, and therefore he hoped to have the indulgence of the House while he detained them only one moment—while he stated what had occurred in his own county. The hon. Member in the course of his crusade against the Corn Laws—his itinerant voyage through the country—had come to the county with which he was connected. The hon. Member had stated that the landed proprietors there had been hallooing on the farmers to take part in this agitation, as if the landed proprietors were parties to the farmers holding meetings on the subject. For himself, owing to domestic circumstances to which he would not allude, he was not in the county at the time the hon. Member referred to; but he could say that one very large and influential meeting had been held by the farmers of their own spontaneous accord (there not being more than two or three landed proprietors present), for the purpose of stating their aversion to the measures of the League; and there was also in the county with which he was connected, a meeting about to be held, emanating from the farmers alone, without any instigation from the landed proprietors, for the same purpose. He stated this in order that it might be well understood that the farmers in that part of the country did not look upon the question as relating to landlords alone, but as extending to tenant farmers, to labourers, and to the whole community at large. The hon. Member had asserted that various tenants in Scotland had supported him, and also that the tenants of an influential nobleman in that county would have deserted their landlord and adhered to the standard of the League, if he had raised it among them. Now, in reply to this statement, he had the testimony of nearly 120 witnesses that the fact was not so, and there was this remarkable circumstance in the hon. Member's statement, that he had not dared to make it in that country, and it was not until he had crossed the border that he had ventured on the unwarrantable assertion for the purpose of producing an effect on the minds of his hearers. Having thus made his reply to the hon. Gentleman's challenge he should not detain the House further.

Lord *Worsley* had not intended to address the House; for, judging of the import of the Motion from the wording of it, he had concluded that it would resolve itself into a Motion for the revival of the Import Duties Committee, and if the hon. Member for Stockport had not said that should he obtain the Committee it would inquire among other things into the management of land he should have remained silent. The hon. Member had mentioned the case of a farm rented at 800*l.* a-year, on which the expenses were 790*l.* a-year. Now to this he (Lord Worsley) could only say, that if the fact was accurately stated, it must be a case of land near some great town, and therefore held at a great rent, as accommodation land, and also for the greater part pasture land, which would account for the great rent. Hence such a farm was not a criterion of rents and expenses generally. He had received from an intelligent farmer an account of expenses on a farm, which, as it was forwarded to him with reference not to this subject, but to the Enclosure Bill, which he had had the honour of submitting to the House, he begged to read. His correspondent, who occupied upwards of 2,000 acres, after stating generally that the present scale of duties was not calculated to keep wheat above 52*s.*, but supposing it to be 56*s.* a-quarter, and three quarters to be the produce of an acre, then eight guineas would be the gross value of the produce of an acre: deducting one guinea for seeds, seven guineas would be the value of the produce, and, taking 200 acres, 1,470*l.* would be the value of the produce for the first year. Then pursuing the usual rotation of the four-course system, the value the second year would be 500*l.*; the value the third, would be 1,200*l*; the value the fourth year, in which they would have clover or seeds would be 280*l.*; that gave 3,450*l.* for the whole value of the produce of the 200 acres on the four-course system. It would be observed that the farmer mentioned by the hon. Member grew, what was not commonly done, wheat every three years. His correspondent calculated for labour of all sorts 1,000*l.*, for wages in the four years; 150*l.* for parochial rates; 200*l.* for tithes; for cost and expenses of horses 600*l.*; for artificial manure 500*l.* in the four years, for interest on 1,200*l.* capital, at 4½ per cent., 216*l.* All this was to be set against a rent of 800*l.* Upon the whole, therefore, he thought the House would see that the statement of the hon. Member was not to be relied on as a criterion of what took place on farms generally. He (Lord Worsley) also wished to state a fact or two to the House, in consequence of the hon. Member having said, that he excepted Lincolnshire from what he said with respect to the state of the labourers. He (Lord Worsley) had certainly heard himself, and also seen reports which confirmed what the hon. Member had stated, so far as regarded the southern parts of the island. In fact, it was a marvel to him and to many other persons with whom he had conversed, how anybody could support himself on the wages that were given in the south of England. A friend of his had told him that he had met with a farmer from Yorkshire, and another from Lincolnshire, at present farming in Berkshire, who had told him that they did not mean to stay there, they found wages so low. They could not, they said, be the persons to begin to give higher wages than were given in their districts, but they were not satisfied with the existing system. In their own counties, they observed, they had found no difficulty, on an emergency, or in harvest time, of getting more work from their labourers without reluctance or grumbling on their part; but where they were it was difficult and disagreeable to get their labourers to make an effort. This was the statement of these practical farmers, and he believed, that although wages in the northern parts of England were comparatively high, the farmers were, nevertheless, flourishing. He had heard the farmers in those parts of England, and especially in Lincolnshire, say themselves—and the Poor Law Commissioners who came down there confirmed them—that the labourers were better able to do their work who had higher wages, and he had heard from the farmers in Lincolnshire, that the reason why they had their work better done than farmers in the southern parts of England was, that the labourer was better fed, and therefore better able to do the work. He did not mention this because it was connected with his own county, but for the purpose of inducing persons, if possible, who employed labourers, to give higher wages; for he fully believed that the farmer was better off where higher wages were given, and that where the wages were liberal, they found that the labourers were contented; and that the comfort of the farmer was the comfort of the labourer; and that the labourer looked happy, and was better contented because he was better fed, owing to a more liberal allowance of wages. The hon. Member for Stockport had stated, that there had been an expectation, that under the present Corn Laws, wheat would range to *56s.* He (Lord Worsley) could certainly bear testimony that the general impression among farmers was, that it was held out to them that wheat would be at *56s.* under the new law; and the farmers now said, that though the law was working better than they expected, still it was not giving them so much as this, though it was right they should have had. At any rate, whether rightly held or not, he could testify that this opinion was very generally held amongst farmers. The hon. Member seemed to think it was not possible that the agricultural class in the south of England could be placed in the same condition with the same class in the north of England, except with the assistance of leases. In reply to this, he (Lord Worsley) could state, that in Lincolnshire there was a high state of cultivation though there leases were only the exception. It was the custom of the county that farms should be continued from father to son; this showed a great degree of confidence between the landlord and the tenant. The consequence was, the tenant employed labour and capital liberally on the land. Now, when the labourers observed this state of confidence between the landlord and the tenant, was it not to be expected that they would feel the same for their employer the tenant-farmer? When the labourer saw that the tenant farmed the land as if it were his own, and that there was so great a degree of confidence between the landlord and him, they might depend upon it a similar confidence would grow up between the labourer and the tenant-farmer. With respect to the county of Lincoln, he affirmed this, that though wages were somewhat lower last winter than before, the labourer in no one instance at any time during the winter was receiving less than 9*s.* a-week. During the rest of the year, he believed, that the labourers had been receiving 12*s.* a-week, and, in some cases, the labourer had received that sum all the year round. But, he believed, that as a great deal was done in that county by task-work, from 13*s.* to 16*s.* 6*d.* were the wages generally, in fact, received by an active labourer. He thought, therefore, that he was justified in stating, that where they found the labourer in that condition, and, at the same time, the farmer in that condition, the reasons for it were obvious, and he hoped he should not be considered presumptuous, if he suggested to hon. Members connected with agricultural districts, to impress upon those who were connected with land to give higher wages, inasmuch as they would by doing so produce a higher degree of comfort, and obtain a greater degree of credit for the way in which their land would be managed, as well as afterwards have the satisfaction of feeling that they had not neglected a duty which the hon. Member (Mr. Cobden), he believed, had done good by calling attention to—the duty of endeavouring to improve the condition of the English labourer, which he (Lord Worsley) thought had been neglected in some counties. He could not, however, support the Motion of the hon. Member, because he felt that if the House appointed a Committee they would find each Member, according to his different opinions, wishing to bring forward different facts, so that the Committee would not agree to a report, much time would be wasted, not to mention the expectations which would be held out to one party or the other, and that the conclusion from the whole would be, that the House could not do anything which would render either more dear or more cheap the food of the agricultural labourer.

Mr. *B. Cochrane* rose to state, that he had received a letter from the hon. Member for Knaresborough (Mr. Ferrand), assigning as a reason why he was absent that night, that he was on the Grand Jury at York, and also obliged to wait for a trial which was coming on, and in which he was interested.

Mr. *Curteis* said, that as the hon. Member for Stockport had spoken in reference to Lincolnshire, he might be allowed to say, with respect to Sussex, and particularly the part in which he lived, and the labourers he employed, that quite as good wages were given there as in Lincolnshire. There was not a labourer in his employment who had not 12*s.* a-week, and he did not give more than his neighbours. He never knew less than 10*s.* given. He believed most employers gave 12*s.* a-week for ordinary farm-labour. They gave their carters 14*s.* a-week, and their shepherds 15*s.* a-week. He must say that the hon. Member had never convinced him by the arguments he had used. He thought that the prosperity of the labourer depended on the prosperity of the tenant and landlord. If the hon. Member had been, as he had, into the cottages of the peasantry of Sussex, he would find that his statements were not correct as regarded them. In addition to the statements which he felt it his duty to make with respect to Sussex, he was enabled, from his knowledge of the adjoining county of Kent, with which also he was connected, to say that the peasantry there were in a prosperous condition, especially in the hop districts. With respect to the speech made by the hon. Mover, he should say that it was a speech characterised by a very fair degree of cleverness, but it was far from convincing him that the House ought to agree to such a Motion as that which on the present occasion had been submitted for their consideration. He was the advocate of a fixed duty, not of the sliding-scale. At the same time he must say, that if pressed hard he should go from the fixed duty to the sliding-scale. He thought, that to take away all protection would be too bold an experiment. He should, whenever he had an opportunity, vote for the fixed duty, for by such a measure he thought that he should do a service to the manufacturing and the commercial interests without injuring the agricultural classes. He should never wish to see any measure introduced that was calculated to injure them, for he regarded the agricultual as the paramount interest, and he therefore felt at all times a cordial, sincere, and determined desire to support the agricultural interest.

Mr. *Brotherton* said, that the speech of the hon. Member for Roxburghshire reminded him of what was sometimes said, that mathematical truths could be denied if it were the interest of men to deny them; while the speech of the hon. Member who spoke last reminded him of the adage that—

> "A man convinced against his will
> Is of the same opinion still."

For, whatever might be the facts, or whatever might be his opinion upon them, he appeared to be determined to keep to the agricultural interest. And that reminded him of an anecdote told of a landlord, once a Member of that House. He said it was of no use their arguing upon the question of the Corn Laws, the landlords believed they were for their own interests, and they had the power to maintain them, and while they possessed that power they would maintain them. The question before the House was whether protection was right or wrong, and whether that protection was beneficial to the farmer and to the agricultural labourer. This seemed to be controverted. Could there be, then, a fairer ground for the appointment of a committee? How could the House ascertain which side was right, unless there were an investigation? The hon. Member for Sussex had said, that the agricultural interest was the paramount interest of the country. Now, he (in opposition to such a statement) would boldly assert that the agricultural population of this country was not one-tenth part of the entire population; and that even in the agricultural counties the farmers, graziers, and agricultural labourers were not one-third of the population. He had had an opportunity of examining into this question as far as regarded twenty-three counties, and he found that the population of those twenty-three counties, not including the counties of Lancashire and Yorkshire, was 6,038,833. These were thus employed:—

The number of persons engaged in trade and various occupations	1,559,612
Farmers, graziers, and agricultural labourers	585,104
Total number of persons employed in twenty-three counties	2,144,715
The proportion of farmers, graziers, and agricultural labourers, to the number of persons	

engaged in trade and other occupations	27 per cent.
Persons of other occupations	73 per cent.
	100
The proportion of persons engaged in trade and other occupations, as compared with the total population ..	26 per cent.
The number of farmers, graziers, and agricultural labourers, per cent., as compared with the total population ..	10 per cent.

There were two-and-a-half times more persons employed in trade and manufactures than in agriculture in twenty-three counties, principally agricultural. Therefore he (Mr. Brotherton) contended that the agricultural interest was not the paramount interest in the State; and if so, then it followed that it was unjust that a law should exist to give that interest an advantage over other interests. The hon. Member for Roxburghshire declared himself to be the poor man's friend, and he contended that the labourers ought to be protected. Why, that was the very thing he and his hon. friends were endeavouring to accomplish. They maintained that the manufacturing and agricultural interests were really identical. The best protection the agriculturists could have was the prosperity of their customers, and a repeal of all restrictions on trade was the best means to obtain them those customers. At a meeting in Brecknockshire, the hon. and gallant Member opposite was reported to have said, that if the people wished for free-trade, they ought to have free-trade in everything, and then that a pair of boots which now cost 2*l.* 5*s.* would sell for 1*l.* 5*s.* Surely that hon. and gallant Member would not make a statement intentionally to deceive the meeting; but it was impossible for any one to say that the reduction of a duty of 2*s.* 4*d.* on an article would cause the reduction of the price of a pair of boots from 2*l.* 5*s.* to 1*l.* 5*s.* That was one of the fallacies which hon. Gentlemen, when they got among agriculturists, were apt to deal in. Many eminent men had in former days condemned the Corn Laws—Lord Wentworth, Lord Grenville, and others. They contended that the law was merely an act of spoliation of the community to benefit the landlords; while Lord Liverpool himself admitted that it was a law to keep up the rents. Could it be a matter of surprise, then, that many considered the law to be unjust? He readily believed there were many landlords who thought that the law was equally beneficial to the tenants and agricultural labourers. If a Committee should be of the same opinion there could be no doubt that Parliament would adopt the principle; but until the question had been investigated there would ever remain a strong conviction on the minds of the people that the Corn Laws were most injurious in practice, unjust in principle.

Colonel *Wood* had not intended to take part in the present debate; but, as he had been personally alluded to by the hon. Gentleman opposite, he would make a very few observations. In the story to which the hon. Gentleman had referred, he had not been the anti-free-trader—it was the bootmaker. The facts were these. The bootmaker had said to him, "We are all for free-trade." He had answered, "With all my heart, if you have it in everything." The bootmaker then replied, "In everything except in boots—for they would send them from Paris for 1*l.* 5*s.*" With regard to the proportion of the agricultural population, if the hon. Member had taken the whole Kingdom, instead of twenty-three counties, he would have found the results very different. Instead of the agricultural population being less than the manufacturing, he believed, that if the two were compared it would be be found that the former was as two to one, and he was satisfied that the amount which they contributed towards the expenses of the country was at least as two to one. But he was not one of those who wished to contrast one class with another. He deprecated any such course, and he was sorry to see the Anti-Corn-Law League on the one side and the Agricultural Associations on the other side engaged in such hostilities. He did not like this war of associations, but he felt bound to say that the agriculturists had only risen in self-defence—that the League were the first aggressors. He hoped that the old maxim—upon which he believed the Landlords and Tenantry of England acted—"Live and let live," would be the prevailing principle. The hon. Member for Stockport had read a letter upon the cultivation of a farm. That hon. Gentleman had, he thought, somewhere, stated that he was a farmer's son. If he had been deluded by the statement contained in that letter, he could know but little of that which had been his father's occupation. That letter stated, that the expense of cultivating a farm of 400 acres was 750*l*., and that the rent was 800*l*. A more absurd statement could never have been conceived. The old calculation always had been—and that had been made at a time when much less capital was invested in farming—that it was impossible to carry on an agricultural pursuit without realising three rents—one for the landlords, one for the tenant, and one for the expenses, and he believed that now four must be necessary. [An Hon. *Member*—More likely five.] Perhaps it might be so, but he would like to know by whom this letter had been written. If it had come from a tenant farmer, the sooner he gave up his farm the better. He had not intended to say anything on this question, but as he was on his legs, he could not refrain from expressing his very decided conviction, that the laws which regulated the importation of foreign articles into this country were for the benefit of the great masses of the people, and if he thought that they were not so, he would not support them.

The Earl of *Shelburne* said, that the Hon. Member for Stockport had alluded to a village near which he lived, and had stated that its population were in a state of the greatest distress. The inference which the House would draw from the statement of the hon. Member was, that the owners of land in that village did not study the comforts of the lower class of people. In this instance he could assure the House that no blame attached to the landowners of the place. He did not doubt that in many cases blame was imputable to them, but here it was not so. The principal owners of land in the village were a family, whose fortune was in a very embarrassed state, and from his own personal knowledge he could state that they had done everything in their power to ameliorate the condition of the poor labourers, and to better the position of their village.

Colonel *Sibthorp* would trouble the House with a few remarks, because he thought the Motion a very extraordinary one—viewing the period at which it was made; when in another part of the metropolis honour was being done to those who were desirous of disturbing the public peace*—and when the name of the hon. Member for Stockport was on the lists of stewards for that occasion — of those stewards who were in the habit of walking about with white wands. If he had been appointed to so honourable an office—though not to such meeting—for at such a meeting he would never be seen—but if he had been honoured with the right of carrying a white wand, he would take care not to be absent—and he thought that the hon. Member ought not to have been absent, to show his allegiance to the hon. and learned Member for Cork. Before he came to the House he had taken the trouble of inquiring whether that hon. Gentleman—filling so important an office as that of steward—whose duty it was to walk about, and make arrangements, and keep order, and listen to what was going on—intended to be present, and, though he did not wonder that he preferred their company to the company of those of whom he would say with Sir John Falstaff, that "he would not march through Coventry with one of them"—he yet must say, that he was surprised that the hon. Gentleman was here to-night to make the Motion. Though the hon. Gentleman had done him the honour of excepting the county in which he resided from the list of those counties in which the rural population were neglected, he could assure the hon. Gentleman that he would just as soon have had his bad word as his good one. But the hon. Gentleman had brought forward his Motion. And why? Because he had heard of "better late than never," and he knew that the influential and independent agriculturists of England were rising up, not to excite alarm or discontent, but to avail themselves of the Englishman's right of self-defence. They were not men like the quack doctors of the League, who went about through the country to delude the people. and who, being paid for it, as they undoubtedly were, cared not what they said — of what misrepresentations they were guilty. They were not landowners, but were respectable tenant-farmers, who were at length determined to defend their own interests. Let them look at the petitions presented to that House. They had been signed by the labourers, who, according to the statement of the hon. Member for Stockport, had not a bed on which to lie, nor food to eat. That fact alone showed that the hon. Gentleman and the Anti-Corn Law League, of whom he did not know how to speak—for those miserable men sent forth language quite unfit for persons of their position; but the people of England had too much good sense to be led away by their knavery. The "Anti-Corn-Law League Circular"—not that he ever read it—he would not disgrace his house or table by admitting it—was full of falsehoods. He had not read it, but if he had, he would not believe a single word of it—but how had that Circular designated the tenant farmers and landowners of England—for tenant farmers were landowners, and landowners were tenant farmers? By epithets which none but the Anti-Corn-Law League would dare to have used. It showed of what stuff the League was made. It called them "monsters of impiety—relentless demons—heartless fiends—inhuman fiends—merciless footpads—plunderers of the people." Such names as he hardly knew how the Anti-Corn-Law League, with all their learning, could have conjured up and put on paper. But the landlords and the farmers of England looked upon the League with the same contempt as he did. He rejoiced that the hon. Member for Stockport had brought forward this Motion—and if he could depend upon its sincerity, he should not fear a Committee to inquire into the truth—the whole truth—and nothing but the truth—and he was sure that the hon. Member for Stockport, and the hon. Member for Durham, and the whole Anti-Corn-Law League, individually and collectively, would, to use a common phrase, come off second best. But this Motion was another attempt to humbug the people of England. It would be set forth in the newspapers—"What exertions does the Member for Stockport make for the poor—how anxious is he in their behalf!" He certainly did give them speeches—he would be glad to see him give them something else. It might, indeed, be interesting to have elicited by such an inquiry a fair statement of the origin in life of some hon. Members, and by what means and through whose assistance they had become Members of the British House of Commons. It was quite possible, that some who had nothing a few years back might be very great men at the present day. It might not be very agreeable to some hon. Gentlemen to inquire too minutely into the manner in which they got their present position, and what they contributed in grateful return to those who placed them there. He should wish to see the tenant-farmer and agricultural labourer, and also the master manufacturers and their operatives, going hand in hand, but he was sorry to see an unkind, illiberal, and selfish feeling manifested by one party towards another. He did not wish to be mistaken; his honest conviction was, that those unkind and illiberal feelings were all on the side of the manufacturers. A much better feeling had existed among all classes before the introduction of the Reform Bill, and it would have been most fortunate for the country if that measure had never passed. He should regard with suspicion any Motion emanating from the quarter from which the present Motion had come; and he should give this his decided opposition, because he believed it was brought forward with no other motive than to delude the people. He should never, so long as he was a Member of that House, support any measure tending, as the present motion evidently did, to create disaffection between man and man.

---

* A dinner said to be attended by 1200 persons, was on this day given to Mr. O'Connel at Covent Garden Theatre.

Mr. *Villiers* said, that the House was disposed to laugh at the speech of the hon. Member for Lincoln; but he thought the hon. Member's Speech as worthy of attention as those that preceded it, so far as it regarded the question. He did just what every preceding speaker did—namely, justify entirely his hon. Friend, the Member for Stockport in bringing forward his Motion, disputing his facts, opposing his opinions, showing that there was reason for doubt, and feeling satisfied that if inquiry was granted he would be shown to be wrong; yet, for some excellent reason that they knew of, they all opposed the inquiry. The President of the Board of Trade was afraid of losing the confidence of his supporters; the hon. Member for Rye was afraid of his neighbours; and the hon. Member for Lincoln knew somebody who would mistake him for somebody else. He believed, however, that nobody would mistake the motives of hon. Members in resisting the Motion. The gallant Gentleman, the Member for Brecon, had resisted the Motion as coming from the League, and referred for authority to the societies recently formed in opposition to it. He was happy to hear reference made to them, for he had begun to fear, notwithstanding the pomp and parade with which they had announced themselves as guardians of British agriculture, that they had lost their voices, or had no representatives in that House. He had read much of their sayings out of doors, but heard little of them in that House till now. This was then the moment for them to justify what they had said elsewhere; he had risen also as a competent witness of what had been said here at other times, to shew the propriety of his hon. Friend's Motion. He had unfortunately been for some years the mover of that question, and he wished to state here, distinctly and openly, what he conceived to be the ground that was invariably assumed by his opponents in resisting that Motion, which was—that though the Corn Law might be attended with some evil, though it might be questionable in some respects in its policy, yet that there were classes of persons belonging to the productive industry of the country, namely, the farmers and farm-labourers—who were deeply interested in it, who depended upon it for their prosperity, who were well off then, and who would be ruined if that law were repealed; that it was a question simply of the labourer and the farmer; that it was not a landowner's question; and on the account of those classes it could not be repealed. The debates would prove beyond all question that this was the ground invariably assumed by hon. Members. What then did the right hon. Gentleman, the President of the Board of Trade, mean by asking what was the connection between his hon. Friend's Motion and the influence of the Corn Laws? These were the things also that were asserted out of doors; yet, on this occasion, when their sincerity was partly tested, he had not heard a word from these county Members, who were all sitting on a row before him, who were all the souls of the protection societies in their own counties, but who all appeared then silent about these laws, on the score of their being serviceable to the farmer and the labourer. He expected this the less, because at all their meetings they expressed mistrust of the present Government, and they would not, probably, consider the one Minister who had spoken could answer for their feelings or opinions. What could be more appropriate than his hon. Friend's Motion to meet their objection to the repeal of a law so injurious to every other interest? The right hon. Gentleman complained of his having confined his Motion to the farmers and the labourers, and asked how the landowners had been excepted? Why, he said, it was the landowners that had excepted themselves. It was they who were always saying that they had no interest in the question—that it was their feeling for the labourer that prompted them entirely in their course. It was only last night that it was asserted by a great personage in another place that this was entirely a farmers' question—that the farmers had lately come forward, quite independently of the landlords, in order to vindicate their interests, and that they were on this question as one man. This, then, showed the propriety of his hon. Friend's Motion; it was most important if it was so, that it should be proved that these Corn Laws were, or could be, or ever had been of any use to farmers or labourers, but that should be shown. There would then be a pretence, at least, for their continuance. He respected that body of men, and their interests deserved the warmest sympathy on the part of the House, and of all people out of that House. He had never spoken but in terms of respect of them, and never should; and he should listen with interest to hear what would be shown to be for their advantage at any time. But he wanted to know where the proof was, that protection was of use to the farmers. It might be disclosed in the Committee, but it was not obvious. The farmers had been notoriously in distress, had been so by the admission of the House on several occasions, and were so at present. And Great God, what a description had his hon. Friend given to-night of the state of the labourers, resting his statement upon the authority of Commissioners of the Crown. The right hon. Gentleman said, that what the hon. Member for Stockport had referred to were exceptional cases, and that he must not conclude that such was the general condition of the labourers. He did not believe that the right hon. Gentleman had ever read the report, for he would have seen that it contained reports from all the different counties which were called agricultural, and that they all described the labourer as inadequately rewarded for his labour, insufficiently supplied with food. Did the right hon. Gentleman dispute the authority of the Rev. Mr. Osborne, who had so feelingly, and with such shocking detail, described the demoralising and distressing condition of the labourers? He had an extract from a letter that this Gentleman had written to the noble Duke at the head of the Protection Society only within a few days, in which the Rev. Gentleman complained that in the plan for this protection he could see no arrangement made for learning the condition of the labourer. And he implored of these great men to give at least as much attention to the labourer as they did to their cattle. His expressions were "there is no one creature belonging to your farms, not an animal you rear for use, or for sale, that has been treated with so much neglect as to everything tending to improvement as your labourers." Evidence then there certainly was before the world that the labourer was in a miserable condition. Evidence without end had been given by the landlords themselves that the farmers were in distress; the landlords meant that, and nothing else, when they talked of agricultural distress, or when they called for, and generally got, agricultural relief. They never proved that they were in distress themselves — their witnesses always showed that when wheat was low the labourers were best off, which was the case in 1836, when every witness that they examined declared that though wheat was never so low, they never knew the labourer better off. This, then, was a startling fact, considering the ground on which the Corn Law was defended, that when protection failed the most, the labourer, intended to be benefited by it, was best off. With all these circumstances, then, to rebut the presumption that the Corn Laws or the protective duties were of any advantage to them, what could be more reasonable than to demand the inquiry exactly in the terms of his hon. Friend's Motion — which was to inquire what good did protective duties do the farmer or the labourer? And let this be remembered, that there is no question that protection is attended with certain evil effects to the rest of the community; for, without deciding whether it does good to anybody, it is admitted that protective duties are imposed and are intended to act as obstructions to commerce, as throwing difficulties in the way of importing the necessaries of life, and of enhancing the cost of living to the community. These effects have been admitted upon several occasions, when he had brought forward motions in that House; but it was said let this be granted, there is yet a national policy, there is public ground, there is interest connected with all our social arrangements that ought to make us bear with patience all these evils. Well, then, was it not just for those who suffer especially from these evils, to inquire whether these corresponding advantages do accrue to anybody from them, or to those, at least, who deserve our sympathy. Ought not some national advantage to be made quite clear, to reconcile us to what tends to perpetuate and aggravate so serious a cause of evil in this country as the want of more trade, more means of employment, more food for our vast population? Surely this is a subject which ought to engage their constant attention; and if this inquiry would elicit truth on this matter, how desirable was it that the inquiry should be conceded; for there is nothing more certain than this fact, that our increasing population, without a corresponding demand for labour, or adequate supply of food, will and must constantly force itself upon their notice. It has been doing so more and more for the last twelve years. It is coming before the House and the country in various shapes, and always indicating a pressure upon the means of subsistence and the means of employment by the people. Never before did the wants and sufferings of those who live by labour occupy so large a share of the time of this House as lately. It is constantly before the House, either in the shape of Factory Bills, or ten hours' Bills, or Commissions directed to inquire into and report upon the condition of different portions of the working classes. They all shew that there is uneasiness, discontent, and misery prevailing and increasing among our people, and all which, he believed would increase, and he believed could only be relieved by extending their trade with other countries, which extension of trade it was the object of these protecting duties to check. He asked again, if they thought that this was an evil that would cure itself? Did they think that people would be made happy or quiet, or contented, by doing what they threatened to do to-night, in rejecting this most reasonable, this most proper inquiry? If they refused to allow this House to use its appropriate functions in thus inquiring into great evils alleged to exist, with nothing better to occupy their time —did they suppose for one instant that they could stay or moderate the agitation in the country? He trusted that they would grant to his hon. Friend what he asked, and not, by a refusal, add so intensely to all the elements of anger, agitation, and complaint that now pervaded the country.

Mr. G. *Bankes* agreed with the hon. Member who had just sat down, that the agricultural Members should declare their opinions and the grounds of the vote they should give on this occasion. He congratulated the hon. Member for Stockport on the altered tone and feeling with which he had expressed himself; for, whatever difficulty there might have been in replying to his speeches, which were always delivered with talent, there was not now the additional difficulty of endeavouring to subdue those feelings which were invariably engendered by acrimonious expressions. If he were persuaded that by going into Committee with the hon. Member for Stockport, they could in any degree further the interests of those over whom it was their duty to watch and protect, he (Mr. Bankes) should willingly support the Motion, even although he might, in so doing, be charged with hypocrisy for attempting to sympathise with that class of his fellow-subjects. He should not be deterred by the fear of any such charge from speaking in that House, or elsewhere, the language of his heart. He would tell the hon. Member for Stockport, that if he could see any chance of benefitting by the present Motion that class, (which he admitted were not at present in that state and condition in which he would wish to see them) he would cordially support the proposition. But he saw no benefit that could possibly arise to them from the adoption of such a Measure, and, on the other hand, he saw counter-balancing inconveniences and evils that would arise affecting that class which he (Mr. Cobden) sought to benefit, and therefore, he was bound to exercise his judgment in contradiction of the eloquent appeal made, and would give a decided and cheerful vote against the proposition. He felt satisfied, that the immediate consequence of granting a Committee would be the exciting of a new degree of anxiety throughout the country. Anxiety on the part of the agricultural labourers was, happily, at present, subsiding, and he trusted we might now anticipate that security which the hon. Member for Lambeth said, and said with truth, was the chief foundation of agricultural prosperity. He did not agree with the hon. Member for Lambeth, however, in looking for security to the chance of realising all those bright visions which he and other eloquent persons endeavoured to present before our eyes, respecting the changed order of things when the free trade system would be adopted. It was that very change which he (Mr. Bankes) dreaded, because he felt convinced it could not produce those benefits predicated of it by the hon. Member for Stockport. Although the condition of the agricultural labourers was by no means such as he could wish, he could yet easily conceive a change which would render their condition much worse. The hon. Member for Wolverhampton asserted that the Members opposed to free-trade had been lately busily engaged in rousing up the spirit of the agriculturists throughout the country, and he called on them to declare in that House those sentiments which they had so boldly proclaimed in other parts of the Empire. He could assure the hon. Member that he could boast of no great share in raising that spirit which had gone from one end of the kingdom to the other. He had indeed attended a meeting called and promoted by the farmers in his own county. He had been invited to attend, he had gone, and having listened to their proceedings, had expressed his hearty concurrence in their sentiments, and that was all the part he took in the meeting. He should have been far from being ashamed if he had taken a much stronger part in it; but, in point of fact, it was wholly unnecessary. He was glad to find such a spirit manifested by that class who were said, by those who went through the country taunting them, to be a base and subservient class, who had no opinions of their own, or that if they had they had not the courage to express them. They were also represented as having opinions contrary to those which they now boldly proclaim from one end of the country to the other. But there was one sentiment imputed to him and the other agricultural Members by the hon. Member for Wolverhampton—a sentiment which they entirely disavowed—he meant the mistrust of Her Majesty's Ministers. He had freely expressed his opinions on Measures affecting the agricultural interest in former Sessions of Parliament, and had given his vote in accordance with those opinions, and if he felt mistrust, it was a mistrust of his own opinions, when in thus conscientiously giving his vote, he voted not only against the Ministry, but also against large majorities of that House; but that there was a mistrust of Her Majesty's Ministers among the agriculturists he hoped was not the case. He might, perhaps, complain of the hon. Member for Stockport, that when he referred to those parts of the Commissioners' Report which seemed to militate against the credit of the county which he (the hon. Member) had the honour to represent, he should not also advert to those parts which had an opposite tendency. He would quote from the Report some passages which the hon. Member had omitted. It was therein stated

"That in Dorsetshire wages are higher than in a neighbouring county; near Blandford they average 11*s*. a week. The practice of employing labourers by the job is exceedingly common, even where constantly employed by the same master; and, in addition to his wages, the labourer has many advantages—fuel carriage free, and often at reduced prices, cottage sometimes at very low rent, and not unfrequently on large farms rent free, while many farmers give their regular labourers potato ground, they having in most cases also their master's horses to plough and to carry home the potatoes when dug."

And in another part the Commissioners said, speaking also of a parish near Blandford,

"All the labourers are employed, and there is hardly a sufficient number of hands; they get on an average 11*s*. a week. A great many have houses rent free, saving some 2*l*. or 3*l*. per annum. All get fuel carriage free, sometimes at half price, and potato grounds allowed them according to their families."

Perhaps he should not put the average more, especially if taken exclusive of the miscellaneous advantages alluded to, so high as 11*s*. a week; but he had acted fairly in quoting the very Report which had been read against his county, and he would request those who desire to form any just inference from the contents of that Report, to have the kindness and the fairness to read the whole. Undoubtedly some cases had been painfully, though not improperly, discussed in the county, with the best intentions doubtless; though whether with the best effects, and in a manner most conducive to the end in view, he might be allowed to doubt. The Rev. Mr. Osborne had been referred to on this subject. He was an honourable and excellent gentleman; but he did not differ in politics so much from the Member for Wolverhampton as he supposed; and it was somewhat remarkable, that during the long reign of that party in power which agreed with that hon. and rev. Gentleman, Mr. Osborne, against whose character he would not state anything derogatory, did not publish anything on the subject referred to. He had had occasion previously to state to that gentleman, in his presence, at a public meeting, that in one of his publications there were very great inaccuracies. With respect to some of the worst cases of those cottages, which had been made the subject of animadversion, they had been old poor houses, and the Commissioners told the parishioners to sell them, or otherwise dispose of them, but no rate could be levied to repair them—that was one of the evils arising from the New Poor Law; and with every wish to uphold that law, he was of opinion, that there should be great changes in it before it could be adapted to the circumstances of the county he represented—a county which certainly had suffered more than it gained by the adoption of that law. He would request the hon. Members for Stockport and Durham to learn the real nature of the property in question, before they made such sweeping charges as they had made that night. It often happened that where a village nominally belonged to a landlord, he had no right whatever to a great proportion of it. In Dorsetshire a system of life leases had been universal; and, although worn out with respect to farms, it was not so with respect to cottages. The village in which he resided had been, whether by the hon. Member for Stockport or the hon. Member for Durham he knew not, but, at all events, it had been brought into a very prominent point in geography compared with what it used to hold in these kingdoms; it had now, by the literary labours of themselves, or of some of their allies, attained some degree of celebrity. It had been stated, that in this village there were to be found a number of cottages very good, and also a number excessively bad. And this was perfectly true. The writer intended this statement, no doubt, as an attack upon him, but he had missed his aim, because, in point of fact, the good cottages were his, and the bad were not. He had wished to purchase the bad cottages, but had not been able to do so, and this was the real state of the case with regard to this village. He contended, that it was most unfair to say, that the landowners were in all cases responsible for the present condition of the poor, inasmuch as they had in many cases no power to remedy that condition; and, without showing that they possessed such a power, it was both cruel and unjust to fix upon them such an imputation — an imputation which, if they had the power of applying a remedy, and did not exercise it, he admitted would be just. The hon. Member for Lambeth had defied any one to name, not a class, but any individual, who had been injured by free-trade, and he accepted the challenge. He would name not an individual, but a whole class, who had been ruined by the adoption of free-trade principles—and that was the class of hand-loom silk manufacturers of London. The evidence before the Committee which sat on the subject in the year 1831 or 32, of which he was a member, and before which Committee the hon. Member for Bolton took a prominent part, proved the ruinous effect of free-trade legislation on a once prospering branch of manufacture. And it was no satisfactory answer to him, and certainly no consolation to those who suffered, to be told that this manufacture never ought to have been established. Here, then, was a large class whose industry had been ruined by the effects of free-trade; but, without such an instance to guide him with respect to the admission or non-admission of foreign corn, he could only say, that he was prepared to give his support to the protection which the present laws gave to the agriculture of this country. He had already stated the reasons which should induce him to oppose the present Motion, and he supposed it was brought forward in its present shape, because, otherwise, it would not have been possible to have obtained for it the support of advocates of a fixed duty, and of no duty at all. These parties, no doubt, found the shape in which the Motion had been brought forward a convenient one. For his own part, however, he should give it his most decided opposition.

Mr. *Bright* said, that when his hon. Friend who had introduced this motion sat down, he felt convinced, that if party feeling could be driven out of that House for a single evening, there would be an unanimous assent to his proposal. He believed that his hon. Friend's statements were perfectly accurate—that they were altogether unanswerable; but whatever the fate of the motion might be in the House, he was well assured of the reception it would have in the country. He should not have risen, had it not been for the speeches which had been made since his hon. Friend's; and yet there was really a great difficulty in finding anything in them which had touched the question before the House. Nothing was more reasonable than that an inquiry should take place whether the Corn Laws, or protective duties generally, were beneficial to the tenant-farmers and to the farm-labourers of this country. Now, it was quite true that the question of sugar and of coffee, and it might be of timber and other articles, might come under the consideration of such a Committee; but he owned that the main object was to show the effect upon these two classes of his countrymen, and the operation of that law which was passed avowedly to give those two classes protection. The importance of this inquiry was admitted by all. Hon. Gentlemen opposite thought that a repeal of the Corn Laws would produce great disasters to the agriculture of this country, and to all connected with agricultural pursuits; and out of doors, whilst some thought with him, others, and it might be the majority of the tenant-farmers and of the owners of land, joined in those fears. He and his friends, however, believed, on the contrary, that the prosperity of the country depended upon the adoption of the principle of free-trade; they believed that to be the only just and true principle on which the Government of this country could be carried on. Were there none out of doors who thought with them? Let them not think because in that House they were few in number, that they were few everywhere else. The principle he advocated was espoused by millions. If they wanted proof of this he would give it. Deputations had waited on the Government, not from the manufacturing districts only. 500 deputies had asked the Government to consider this question. Petitions had been presented to that House, in one year, signed by 500,000, by a million the next, by a million and a half the third, and by two or three millions the fourth; but all these Petitions were cared little about. There was a subscription some four or five years ago of 5,000*l.* to the funds of the Anti-Corn-Law League. That subscription rose in the second year to 12,000*l.*, in the third year to 50,000*l.*, and in this year the League-fund was rapidly approaching 100,000*l.* This proved nothing as to the truth of the principle, but it showed the growing feeling which pervaded all classes in this country. Hon. Gentlemen charged them with inciting the population to violence and insurrectionary movements, and one Gentleman, who was Member for Warwickshire and a magistrate of that county, as he had heard, had stated in that House, and he had certainly stated at two meetings, that he could prove charges against them, and that facts had come to his knowledge, and of which, as a magistrate, he was cognizant, which showed the guilt of some men who were connected with the League. If, as a magistrate, the hon. Member knew these facts, he (Mr. Bright) said, that he was an accessory to the facts and to the crime if he had concealed them from the right hon. Baronet, the Secretary of State for the Home Department. It would have been much more becoming in him as a magistrate and a Member of Parliament, possessing this information, to have given it to the Government, than to have made these charges at meetings, at which only one party was present, and at which only one party was allowed to be heard. It might be that he and his friends excited the people; he never denied that they did excite, and they should continue to excite the people. The pamphlet which had been quoted of the Rev. G. Osborne, threw a little insight into what was meant by the charge of exciting the people. It was there stated:—

> "On the other hand, the agricultural labourer has been restrained by every possible means, discouraged in every possible way from any attempt to set forth the grievances of his condition; nay, further than this, does he find a friend in any Gentleman in his own neighbourhood, who may seek to bring to light any act of injustice or oppression towards him, that friend is immediately met on all sides with remonstrances against what is called 'setting the men against the masters,' with, in many instances, serious expostulations on the danger of driving the labourers to acts of violence."

No man could go into the manufacturing or to the agricultural districts of this country, and address any multitude of people, however mild might be his language—if he told the truth, and if he pointed out how those sufferings were caused by the acts of that House—but he must excite discontent. If hon. Gentlemen opposite would tell him of any evil which had met with a remedy till discontent had been excited, there might be a prospect of removing this evil, although he and others might remain at home, and cease to agitate upon such topics as these. He and his Friends charged Gentlemen opposite with gross exaggeration, and with wrong-doing, for the most part, with their knowledge. He was not satisfied with their policy, and their own minds were unsettled with respect to it. He found, that at a recent meeting at York, held for the defence of protection, one gentleman spoke of the fatal bias of the right hon. Gentleman, the President of the Board of Trade, who was believed to be favourable to free trade, and was not to be trusted, whilst it was acknowledged on all hands, that the agricultural interest could not be surprised at anything which the right hon. Gentleman at the head of the Queen's Government might do. How, then, was this question to be settled? All that his hon. Friend asked was, for a fair inquiry, and there could be no tribunal more fair than that proposed by his hon. Friend. He was not anxious that members of the League should be members of that tribunal; he was willing that there should be a majority of hon. Members opposite, and the witnesses to be examined should be the landowners and the farmers of the country. His hon. Friend's case was based on facts and experience; that of his opponents, on anticipation of future evils if the Corn Laws were abolished. He was prepared to show that the Corn Laws, since 1815, had been a continual fraud on the farmers of this country. In 1815, they were told that corn would be 80*s.* a quarter. The evidence given before the Committee of 1814, was, that if prices went below 80*s.* it would be ruinous to cultivation. From 1815 to 1841 or 1842, the average price of wheat had not been more than 60*s.* a quarter: yet that had been the time during which leases had been taken. The hon. Member for Wiltshire had declared that he did not believe the rents could be paid if prices were not higher. Although the average price had only been 59*s.*, the rent of land had increased; it was said, also, that land would be thrown out of cultivation, whereas more land had been brought into cultivation; and it was further said, that the labourer would be thrown out of employ, which could not be the fact if more land had been brought into cultivation. Every prophecy of the agricultural soothsayers of 1814 had been unfulfilled, and he might argue from this, with regard to their future prophecies, that they would not be worth more than the past. He had before him a short report made to an agricultural society at Barnstaple in 1821, in which it was said:—

> "That the Act of Parliament passed in the 55th year of the reign of His late Majesty has not answered the intention of the Parliament that passed it, inasmuch as it was generally conceived at the time of enactment, that the effect of the law would be, to secure to the grower of corn a price of 80s. a quarter for wheat, 43s. for barley, and 27s. for oats, on the average crop; whereas the crop of last year scarcely, if at all, exceeded an average one, and the present prices of grain are now but little more than half those contemplated to be afforded by the Act."

He could show that the farmers did believe that Act would give them a price of 80*s.* a quarter. He need not go fully into their prophecies in other matters, which had been equally well verified. It was prophesied of wool as it was now prophesied of corn. Every prophecy had been falsified by the event, and the wool farmer of this country acknowledged that for many years past they had been more prosperous than the cultivators of wheat. He presumed that there was one point on which all were agreed, that the Corn Laws were not passed to benefit trade—that the merchants of Liverpool and the manufacturers of Leeds were not benefited by them. But if they were prejudicial to the manufacturers and the merchants, they must in the long run be prejudicial to the farmers. When they talked of seven-ninths of the population as agriculturists, where did they get their information? He might ask, where did they live? Such proportions existed only in hon. Members' imaginations. He knew not why the Census Returns had not been as yet placed on the Table. If they were, he should be able to prove that the tenant-farmers were not more than one per cent. of the whole population, and he ventured to say that the farm labourers engaged in the cultivation of wheat were not more than one per cent. He was not speaking of the whole agricultural labourers. It was a statement which he could not prove till the Returns were on the Table, and then hon. Gentlemen might satisfy their curiosity, and see whether he was right or wrong in his estimate. What was the condition of the tenant-farmers and of the farm-labourers? They had had the Corn Laws during the last thirty years, and yet the result had been as appalling as had been stated that evening without contradiction. He advised hon. Gentlemen who went to agricultural meetings, not to continue this deception. They might themselves be the victims of deception. He found one of the Members for Haddingtonshire stated, that wheat, under a system of free-trade, could be sold in this country for 20*s.* a quarter. If this were true, it was only a proof of a greater wrong done to their country; but it was not true, and the hon. Member must have been profoundly ignorant, or something worse, when he made that statement. Then the hon. Member for Peebleshire had turned a great prophet, and at another great meeting, after saying this, that, and the other would happen, he had said nothing of any benefit that accrued to the farmers by the present system. Then the hon. Member for the borough of Haddington had made some most extraordinary revelations with respect to the operations of the Corn Laws. He said that—

> "The farmers, so long as they are protected, will spend their money largely in the employment of labour, and they will pay high wages, and they will not confine themselves to labour, for they will increase generally in their means of expenditure. They will find out new luxuries, and they will thus spend their money among the tradesmen in the towns, so that the prosperity of all classes will be insured through the reasonable demand of the agriculturists for protection."

What was this but asserting that when they had overtaxed him for the food they had supplied, they would buy a larger quantity of his goods, whereas, they were buying his goods with his own property. There were other expressions betraying great carelessness on the part of hon. Members who uttered them. At a meeting holden at Framlingham in East Suffolk, it was said that the object of the free-traders "was to bring down the price of labour in this country to the level of the wages paid on the Continent." He had, he believed, undisputed authority for saying that the three gentlemen who sat at Somerset-house and who were not supposed to overflow with the milk of human kindness, could not discover any mode by which they could keep a man in health without going to a greater expense than a labourer could afford at his own home. Was there anything worse than this on any part of the Continent? If the hon. Member for Kircudbrightshire were in the House he would call his attention to what was told him recently by a large farmer in that county—that for a nineteen-feet drain, thirty inches deep, and eighteen inches wide, through a hard soil, the party finding spade, hammer, pick-axe, and crowbar, he would pay only a sum of three pence and it would be a good day's work if a labourer could cut four of them in a day and earn 1*s.* The effect of this was very certain. He would take only an extract from *The Times* of February 14, in which it was thus stated:—

> "The village of Charlton-on-Otmoor, situate within a few miles of Oxford, has latterly been the scene of several very lawless proceedings. Some of the labourers, for want of employment, have been driven to the Bicester Union Workhouse, which has caused a great deal of excitement and dissatisfaction in the minds of those remaining. Several of the respectable inhabitants have had their windows broken; and on the night of the 26th of January three ploughs were destroyed, by cutting them to pieces. Each plough belonged to a different farmer of the village. A paper was left on one of them, with the following written on it;—'A full belly does not know what an empty one feels.'"

And he hoped that hon. Gentlemen who were accustomed to feed well, and to partake of many more luxuries than were perhaps conducive to health, instead of considering this question as one of party would ask themselves whether it were not their duty to apply a remedy to the discontent which existed in Scotland, which had found place in Wales, which had spread itself through the southern counties of England, and in a still more terrible form in the country with respect to which there had recently been great discussion. A gentleman, who, at a former Buckinghamshire meeting, had declared that the peasantry rejoiced in potatoes, had more recently declared, that "there was now no cry from the labour market in the rural districts; that the people were employed, and that provisions were cheap." But he had before him a letter, written by a clergyman of Bicester, to this Dr. Marsham, which gave an account of several families he had visited, and whose income was far less for the whole week than many hon. Members of that House spent uselessly in a day. In one case the man had a wife and five children, his wages were 9*s.* a week, and deducting house rent and coals there remained 1*s.* 0¼*d* per head per week for each of the family. In another case, the wages, deducting coals, allowed 10½*d.* each per week for a family of eight persons. In another case, a man had a wife and a large family, and was out of work. He need not enter into the particulars of their sufferings; suffice it to say, the wife, who worked at lace making, when she was visited by a member of the clergyman's family, was found to want the means to purchase fuel, and was sitting in bed at noon-day to keep herself warm, and continuing her work. This clergyman also stated,

"I have just called upon two families, who are in a state of great destitution and wretchedness. The men are able and willing to work, but they cannot get employment. They were boiling turnips for dinner, and had nothing else which they could eat. Think, sir, of two families, or fourteen persons, dining on boiled turnips. Your 'oatmeal and potatoes' would be a welcome meal to them! I have just met another able-bodied man, who has a wife and five children; he has been out of work for sixteen weeks. His daily and only employment is to stand in the streets watching to see if any person will employ him to carry coals into the coal-house."

He added that many of the houses he visited had next to no furniture; "how the poor creatures live is to me a mystery." And so it would be, he believed, to any one else. The hon. Member for Berkshire was in the House, and he found in a paper with which he was connected the following statement of the poverty in Wiltshire:—

The poverty of the labourer, arising from a bad system of farming, is lamentable to contemplate; they only, who have been masters of well-paid labourers, as well as of men who only receive the miserable pittance of 7s. or 8s. per week, can fully appreciate the advantages to be derived by making work as plentiful here as in other parts of the kingdom. The injuriousness of a system that creates so little labour is most apparent by a comparison of the different states of the labourer in the north and the south of England. In every respect the Wiltshire labourer has the disadvantage; most of his necessary wants are dearer; land is generally let to him at a higher rate than to the farmer; his house often comfortless and confined, even to indecency; his wages barely sufficient to find his family with food."

He would not trouble the House with many more extracts. He would quote one, a report of the Ashenden Petty Sessions, on Monday, January 19;—

"Present, T. T. Bernard and John Stone Esqrs., and the Rev. Thomas Martyn.—Charles Godfrey, a young married man of Brill, was charged by Mr. Richard Mumford steward to C. S. Ricketts, Esq., with having, on the 2nd of January, at Dorton, cut a branch from a maiden ash tree, the property of Mrs. Elizabeth Sophia Ricketts. Joseph Guntrip, gamekeeper to Mr. Ricketts, proved the offence. Godfrey did not deny the charge. He said he knew the wood was not his, but he was without firing. Coal was 1*s.* 8*d.* per cwt. at Brill. He had asked his employer to fetch him some from the wharf, and to stop 1*s.* a week for it, but he would not do so. He was only paid 6*s.* per week for his work, out of which he had to provide all. His wife was expecting to be confined every hour."

It would have been thought, that this intimation would have had some effect upon the magistrates with a clergyman amongst them, but—

"The Bench said, if such offences as this, cutting a maiden ash twig, were allowed to go unpunished, there would soon be an end to the rights of property. Convicted; ordered to pay 1s. damage, 10s. fine, and 16s. costs—in default of payment, one month's imprisonment. The Bench offered to give the prisoner time to pay the money, but he said it was impossible for him to pay it. He was consequently committed."

When they found such needless hardships as these inflicted on a man who earned but 6*s.* a week by his labour, and who was sent for four weeks to gaol for a crime so trifling, at a time when his wife was about to suffer the greatest trial to which her sex could be exposed, he considered it a scandal to every man in court, and to the Legislature which could allow such scenes to take place. He must say that such a punishment was a reproach to the man who punished him, and to the Legislature that allowed it to take place. What could they expect from that man when he came out of gaol? Now, to speak for a moment of the farmers, and he would not have done so but that he had a document which his hon. Friend, the Member for Stockport, had intended to have alluded to, but had forgotten. It was a statistical abstract of fifty farms contiguous to each other, without any omission, within a circumference of about eighteen miles, taking Burlesdon-bridge as a centre, showing the names of farms and their owners, the occupiers whether as owners or renters in the year 1815, their fate and that of their families, with the names of the occupiers in 1843, comprising the twenty-eight years of Corn Law protection, passed for the avowed purpose of securing steady and remunerative prices. Ten of these tenants were dead, and their children had become labourers upon the parishes; nine more tenants were sold up and beggared; four left their farms, of whom two died poor, one was now living in reduced circumstances, and the other died by his own hand. Of the remainder, a few were still occupying their farms, whose circumstances were not stated. Ten only of the fifty tenants were known to have prospered. Here were facts which might be denied if they were deniable. He would hand any hon. Gentleman present a copy of this statement, and if there were any Member connected with Hampshire present, he might have these facts and investigate them, and he could bring statements as appalling as this from other parts of the country, to show that it was desirable to inquire whether the Corn Laws were not at the bottom of the evils which the agricultural classes had for so long a time been suffering. The hon. Member for Dorsetshire had complimented his hon. Friend near him upon the altered tone in which he had spoken. He was not in the House when that hon. Member, on a former occasion, had spoken with respect to his own favourite, he would not say pattern, county, but he did not then get up and deny the statements made with respect to that county. It was fortunate that the report was before the House, although the production of it reflected discredit on some party. When a Commission went down to inquire into the state of the handloom weavers and other classes, there was unlimited time given for them to prosecute their inquiries, and for the Commissioners to go to the furthest end of the island nearly, and come back again, and go into neighbourhoods entirely unconnected with the objects of the Commission. But with respect to the Commission of Inquiry into the state of the agricultural population, the sending of that Commission afforded good ground to believe that the authors of it were more disposed that the inquiry should be slurred over, than that there should be a thorough and searching investigation. The right hon. Baronet, the Secretary for the Home Department, if he had anything to answer for in this matter, was doubly culpable, inasmuch as he was the representative of the principal town of the county about which so much had been said. If he had known as much of the effects of the Corn Laws in that county, he would not have finished a speech with a peroration imputing everything bad and black to the manufacturing districts, and representing the agricultural districts as manifesting everything that was desirable on earth. If protection had not benefited Dorsetshire, he could not see that it had benefited Lincolnshire, which was certainly in a better position, but Lincolnshire had fortunately possessed some landowners who were men of ordinary sense and enterprise, and they had done just that which the Anti-Corn Law League wished to do for the manufacturing districts; they had endeavoured to turn their property to the best advantage. They had cultivated it well—they had reclaimed districts, which, thirty or forty years ago, were sterile and barren; they had given every encouragement to lay out capital; they had trusted their farmers, and their farmers had trusted them. It always gave him pain to hear any landowner or farmer attribute the prosperity of Lincolnshire to the Corn Laws, when, in fact, it was only due to the intelligence of the gentlemen and farmers of the county. It was not owing to protection, or else why had not protection done the same for Dorsetshire? The latter county had a population of 168,013 persons. At the Michaelmas quarter of 1843, the number of persons relieved from the Poor Rates in that county was 19,821, or about one-eighth of the whole population. He would ask the hon. Member for Dorsetshire what he could say to that? He was sorry that the noble Lord the other Member for that county had not remained, after hearing the speech of his hon. Friend the Member for Stockport, to take part in the discussion. It further appeared that, in ten years, the increase of the population of that county, if it continued in the same ratio as at present, would be 23,500. If there were no more farms than now, he would ask him where the sons of the farmers would obtain farms, and where the sons of the peasant-labourers could obtain employment ten years hence? This was not a question of party, and the Government ought to consider it of more importance than merely consulting the interests of a certain class. Nature was against them, and before long this question must be settled, and in the only way in which it could be, that which the Anti-Corn-Law League now proposed. A supporter of this present Corn Law, on being asked if he thought that the present Corn Law would last for ever, said no; it must be repealed when the pressure became strong enough. What was the meaning of that? When pauperism had gone on increasing from one-eighth to one-sixth, and one-fourth, and when, not only distress and want of employment stared them in the face in the manufacturing districts, but when the present murmurs of the agricultural districts had become a storm before which they would quail and tremble, then they would repeal the Corn Laws. Was it not better now, while they had a chance of doing it with something like grace, to repeal them, than to let the repeal be extorted from them, as it must inevitably be at last, and then there would be small thanks due to them for having given it. What would the hon. Member for Dorsetshire do with this population some years hence? Would he tell them to emigrate to the surrounding counties? But were not the other counties in the same condition, and would the hon. Member tell them to go down to Lancashire, to that dull, manufacturing portion of the country, of which the right hon. Baronet had spoken? Were they to go down to that county, where it was said more cruelties were practised than upon the Poles who were sent from Russia to Siberia? They could not come to the manufacturing districts for they had stopped the demand for labour there. The trade of these districts, by the Corn Laws especially, by the Sugar Laws secondly, and by other monopolies, was crippled, and when they came to that House and asked that those evils should be remedied, they had on a former occasion the plea of slavery, and on that occasion they had from the right hon. the President of the Board of Trade a speech, the most extraordinary that he had ever heard, and it must be a bad case, indeed, when the right hon. Gentleman could not make a better speech in defence of it. An attempt was made to mystify the speech of his hon. Friend the Member for Stockport, and it was said he wanted a Committee to inquire into the peculiar burthens falling upon land. He wanted no such thing; he wanted to prove that the Corn Laws sacrificed the interests of the farmers more than any other class. On almost every conceivable question they had a Committee, and on this question, if they thought that the evidence would be in favour of the Corn Laws, they would have a Committee also. They had a Committee on agricultural distress in 1836, and the evidence was so much against this law that the Committee dared not report such evidence, because the result would have been a call upon that House to take steps for the abolition of that protection which was ruining the tenant farmers and the labourers. The manufacturers had come to that House to tell them the state of the manufacturing population in former years, and they would have to come with darker tales of woe whenever there came another year or two of deficient harvests. He asked the House, whether they granted a Committee or not, did they believe that the Corn Laws could be maintained? Did hon. Gentlemen opposite believe that the right hon. the President of the Board of Trade, who had such a fatal bias towards free-trade, could be so forgetful of the interests of his country as to persevere in the maintenance of this law, or that the right hon. Baronet at the head of the Government, who had, as it were, sprung from trade, upon which his family had thriven, would stake his credit as a statesman in the continuance of a law which was laughed at by all intelligent men abroad, which all men of business abhorred, and which was becoming a subject of intense hatred to a large portion of the intelligent classes of this country. He had no doubt that the right hon. Baronet would refuse the Committee, and that hon. Members opposite would vote with him; but he should like to know the question which could be proposed in which they would not vote with him. But did they bear in mind that the time was soon coming when his hon. Friend the Member for Stockport and himself would again take their tour throughout the rural districts of this country? They would go to the farmers and tell them that their Landlords had called them together, not for the purpose of asking the Government for relief from the distress which existed amongst them, but for the purpose of asking the Government to keep them precisely as they were. They would tell the farmers that they dared not complain to that House that they were distressed—and why? because the free-trade question took so much hold upon the public mind, that if they came there to complain of agricultural distress, the whole country would laugh at their efforts to relieve it without getting rid of the Corn Laws. The right hon. the Chancellor of the Exchequer could not find a tax the removal of which would relieve the agricultural interest, and he could give no more protection, for during the years they had had it, ruin and calamity had spread over the whole country. They would say further, that their landlords had told them that in the agricultural districts they had exclusive burthens to bear. The hon. Member for Sheffield made a Motion in that House, that these burthens should be inquired into, which was refused. Why, they would not even tell their griefs. The fact was, they had no case. He would not say behind their backs those things which he would not say to their faces, and he acknowledged that he did not always speak in the most complimentary terms of them. He repeated that they had no case, or they would have given the hon. Member for Sheffield a Committee, and when that hon. Member again brought the subject before the House, he had no doubt but that it would share the same fate. They might tell the farmers that they had asked for a Committee to demonstrate to the whole country, out of the mouths of the farmers and labourers themselves, that the Corn Laws benefited only the landowners, and did not advance the interest of any class in this country but the class who depended on the rent of land. They would tell them that the right hon. the President of the Board of Trade got up, and after talking about anything else but the Motion before the House, stated that the Government could not grant an inquiry, and that hon. Gentlemen on the Treasury Benches followed him, and stated also that from one cause or another they could not grant the inquiry. His hon. Friend the Member for Stockport would not have brought forward his Motion if some one on the other side of the House would have done so. Why did not the hon. Member for Dorsetshire do it? Why was the report on the condition of the agricultural labourers so long before the House, and not one man had brought the subject forward? He should be ashamed to call himself a Representative of the agricultural interest in that House, if he had allowed that report to have lain on the Table for nearly twelve months, and not have brought the subject before the notice of the country. Now, he thought that the case was clear as it stood, that there was only one way in which this question could be carried, and that was by making it thoroughly known to the country. When they exposed the bad principles of this law, they exposed also the most unwise policy of the Agricultural Members of that House; and passing from county to county, and town to town, the constituents of this Empire should know that the landowners sat in that House, if they did not do so with an express desire and design, yet they did sit there resisting any attempt, however small, to affect the price of the produce of land, with determined opposition, and maintaining a law the object of which was to prevent a reduction of rent, and when millions throughout the country asked for an inquiry into the subject, they did not hesitate to vote as if they were a corporation sitting there to support their own interests, and keep up the rent of land.

Mr. *Newdigate* rose in consequence of certain observations which had been made in the House of Commons and elsewhere, upon his having stated that the Anti-Corn Law League had been connected with the disturbances of 1842 in North Warwickshire, and in reply to the hon. Member for Durham, who said that he (Mr. Newdigate) ought, as a Magistrate, if possessed of sufficient evidence, to have instituted a prosecution against the League. He begged to state that he had not done so, because he had been acting as junior magistrate with the then acting Lord Lieutenant of the county (Lord Aylesford), who was in constant communication with the Home Office, and cognizant of the facts to which he had alluded. The hon. Member for Durham said, he (Mr. Newdigate) had made the charge of fomenting the North Warwickshire disturbances, in an exclusive meeting. He (Mr. Newdigate) had merely repeated in the statement complained of, what he had before stated in the House of Commons, when the leading members of the League were in their places opposing the Chelsea Pensioners' Bill in a factious minority of eight, which measure he deemed essential for the safety of the county which he represented. He would read the passage in his speech at Warwick, of which the hon. Member complained.

"Thus do I believe the origin, the extent, and the wealth, of the League may be accounted for, and with respect to its effect upon this county in particular, I will merely repeat what I have stated in the House of Commons, that from my personal experience as a Magistrate, I have reason to believe that that most dangerous Association, by its doctrines, its funds, and its agents, was mainly instrumental in fomenting those disturbances, which somewhat more than a year since obstructed the trade, interrupted the industry, and threatened the peace of a large district in the Northern division, by setting those classes at variance, whose interests are identical, and which would otherwise have remained happily connected."

The hon. Member complained that the names of the Leaguers to whom in particular he (Mr. Newdigate) had alluded, were not produced; when on a former occasion he (Mr. Newdigate) had been asked for these names in the House, the hon. Member himself Mr. Bright looked so uneasy that he (Mr. Newdigate) thought it right to specify that he did not allude to the hon. Member. The hon. Member for Bolton had asked him to give these names, but he had told the hon. Member that he was bound not to do so, which was the case; but he did not feel bound not to describe the parties. The hon. Member for Durham suggested the possibility that the parties he (Mr. Newdigate) alluded to, might not have been connected with the League; that body had a convenient way of avoiding responsibility by not publishing the names of its executive or officers. When application was made for a list of such persons in Manchester and at the London office of the League circular, on his (Mr. Newdigate's) part, the answer was, that the list was kept by the Council, and was not to be divulged; he (Mr. Newdigate) had however, one small list containing 1,500 names, which had been published by the League, as their 100,000*l.* fund Committee list, to which he would hereafter draw the attention of the House. He would now state to the House, as evidence bearing on the connection of the League with the disturbances of 1842, that in the *Coventry Herald* of July 22nd, 1842, two letters appeared as part of the proceedings of the Anti-Corn-law Conference, the first was dated Coventry, July 14th 1842, and was to the following effect:—

"My dear Sir,—I thank you for your communication; I think you will have another delegation from Coventry, but not for Repeal only. The people here are ripe for a struggle. We have to-day presented a requisition to the Mayor, at short notice, to call a meeting to consider the state of the country. He has done so, and we meet on Tuesday. Our measures are not resolved upon, but we cannot keep the people back; and I think we had better give the reins in favour of democracy. Do urge upon the League the propriety and policy of leading the people. We want but leaders, and we will do anything and everything, but the masses will not restrict their efforts to Corn-law Repeal—our language will be, denunciation of the aristocracy and class legislation, and defiance to the present House of Commons. I shall be glad of the latest information from head quarters, that our measures may be in harmony if possible: will you write on Monday night? Above all impress upon the delegates, that if they want the people at their back, they must take up the Suffrage Question, without that their efforts are hopeless, and the people will throw themselves upon more daring and reckless leaders,

"I am your's truly,
"T. S. Whittem."

And he (Mr. Newdigate) would ask who the House supposed this Mr. Whittem was?—he was the present Mayor of Coventry. The other letter read at the Anti-Corn-Law Conference was as follows:—

"Dear Sir,—I have deferred replying to yours of the 12th ult., in order that I might send you the result of the exertions which were being made to get up a public meeting. From the enclosed hand-bills, you will see that we have met with a most signal success. It is signed by some of the most influential men in the town. The Mayor has agreed to preside; the universal cry is what is to be done next; all seem to agree upon the necessity of taking some decisive course. Why do not the League at once declare their belief in the utter hopelessness of obtaining justice from the aristocracy, and their determination to assist with all their power in agitating the complete Suffrage Question? Purify the Commons, let them be in reality the representatives of the people; they have been so nominally long enough, all parties are tired of their misrule. The Commons House must be made democratic, the spirit of the age demands it; starving thousands demand it. Distress here is increasing; the people are growing exasperated; the aristocracy are drawing down upon themselves the vengeance of injured millions. Let them beware in time ere it is too late; We expect to send one or more deputies up from the meeting.

"I am, dear Sir, your's truly,
"J. B. Browett."

"P. A. Taylor, Esq., jun."

Both these names appeared on the list of the 100,000*l.* Fund Committee of the Anti-Corn-law League. He would now call the attention of the House to the dates connected with those circumstances. Mr. Whittem's letter was dated 14th July, 1842, it was read by the Chairman of the Anti-Corn-law Conference on the 18th of that month. The meeting to which those letters referred took place on the 19th, they were published in the *Coventry Herald* on the 22nd; and the disturbances in North Warwickshire began on the 29th and 30th seven days subsequent to the publication of those letters. There were three persons whose names he must not produce, all of whom could be identified as Leaguers, who were most active during the disturbances. One of these persons, whose connection with the League the hon. Member doubted, and who took a leading part in supplying the agitators and strangers connected with them whilst in Warwickshire, was elected League delegate from Coventry on January 26, 1842, in the Town Hall of Birmingham, and spoke in that capacity at the Crown and Anchor, on the 9th of February, of that year, and had done so subsequently in several other places; some of his speeches were reported. He (Mr. Newdigate) would only further state, that it appeared in the report of the proceedings of the meeting held in Coventry, on the 19th of July, 1842, that one of the persons connected with the Anti-Corn-law League appealed to the Chartists then present, that they ought not to interrupt the adoption of the resolutions to which they had agreed the night previous, or that they would become liable to the imputation of bad faith. Under these circumstances, he (Mr. Newdigate) appealed to the House, whether the observations with reference to the Anti-Corn-law League which he had made last Session in that House, and subsequently repeated at Warwick, were not justified?

Dr. *Bowring* was only desirous of uttering a sentence or two. The hon. Gentleman who had just sat down had brought forward a very grave charge against the Anti-Corn-Law League. He had stated that they had sent forth incendiaries amongst the people to whom might be attributed the attacks upon property. In his place in the House he had requested the hon. Member to name the parties to whom he attributed these gross misdemeanours, but the hon. Member objected to do so. He had also spoken to him privately and stated, that, connected as he was with the Anti-Corn-Law League, he was desirous of ascertaining whether any individual connected with that body had committed this offence; but the hon. Member still refused to name the parties. The hon. Member now said, that he could not get at the names of the council who composed the Anti-Corn-Law League. There could be no difficulty in doing so. If he subscribed 50*l.* he might himself be admitted.

Mr. *W. O. Stanley* said, that although he was neither a Leaguer nor an Anti-Leaguer, he felt bound to support the Motion of the hon. Member for Stockport. He had listened attentively to the speech of the hon. Gentleman, and after the temperate manner in which he had stated his arguments, he felt that he could not refuse an enquiry which was called for on such strong grounds. He considered that if the Corn Laws could not stand the test of such an enquiry as was called for at the hands of intelligent men, they were no longer entitled to the support which he had hitherto given them. By Returns which could not be disputed, he found, in the county which he represented, one sixth of the population were receiving parish relief, and the labourers were receiving most inadequate wages. Whilst this was the case, though he disagreed from much that had been done by the Anti-Corn-Law League. he should most cheerfully give his support to the present Motion.

The House divided:—Ayes 133; Noes 224: Majority 91.

List of the AYES.

Acheson, Visct.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Bannerman, A.
Barclay, D.
Baring, rt. hn. F. T.
Bellew, R. M.
Berkeley, hn. C.
Berkeley, hn. Capt.
Bernal, R.
Bernal, Capt.
Blake, M. J.
Blake, Sir V.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hn. W.
Buller, E.
Busfeild, W.
Butler, P. S.
Cavendish, hn. G. H.
Chapman, B.
Clay, Sir W.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hn. W. F.
Craig, W. G.
Crawford, W. S.
Currie, R.
Dalrymple, Capt.
Dawson, hn. T. V.
Dennistoun, J.
Divett, E.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Dundas, Adm.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gisborne, T.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hawes, B.

Hayter, W. G.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Hollond, R.
Horsman, E.
Howard, hn. C. W. G.
Howard, Lord
Howick, Visct.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Langston, J. H.
Leader, J. T.
Macaulay, rt. hn. T.B.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Morrison, J.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Connell, M. J.
Ord, W.
Palmerston, Visct.
Pattison, J.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Protheroe, E.
Pulsford, R.
Ramsbottom, J.
Rawdon, Col.
Ricardo, J. L.
Rice, E. R.
Roche, E. B.
Ross, D. R.
Scholefield, J.
Scott, R.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl of
Smith, rt. hn. R. V.
Standish, C.
Stanley, hn. W. O.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serjeant
Strutt, E.
Tancred, H. W:
Thorneley, T.
Towneley, J.
Trelawney, J. S.
Tufnell, H.
Tuite, H. M.
Turner, E.
Villiers, hn. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.

Cobden, R.
Bright, J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arbuthnott, hn. H.
Arkwright, G.
Astell, W.
Bagot, hn. W.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Balfour, J. M.
Bankes, G.
Baring, hn. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C. M.
Burroughes, H. N.
Castlereagh, Visct.
Charteris, hn. F.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Corry, rt. hn. H.
Cresswell, B.
Cripps, W.
Curteis, H. B.
Damer, hn. Col.
Darby, G.
Davies, D. A. S.
Dawnay, hn. W. H.
Denison, E. B.
Dickenson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hn. A.
Du Pre, C. G.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Fitzmaurice, hn. W.
Flower, Sir J.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gordon, hn. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenaway, C.
Greene, T.
Grimstone, Visct.
Grogan, E.
Hamilton, G. A.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Heathcoate, Sir W.
Heneage, G. H. W.
Henley, J. W.
Henniker, Lord
Herbert, hn. S.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Hussey, A.
Hussey, T.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnston, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Knightly, Sir C.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lowther, J. H.
Lowther, hon. Col.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Marton, G.
Masterman, J.
Maxwell, hon. J.
Meynell, Capt.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdigate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Reid, Sir J. R.
Rendlesham, Lord
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scott, hon. F.
Shaw, rt. hon. F.
Shirley, E. J:
Shirley, E. P,

Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stanley, E.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Thompson, Mr. Ald.
Tollemache, J.
Trevor, Hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vane, Lord H.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Whitmore, T. C.
Wilbraham, hon. R.B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

SUGAR IMPORTED.] Mr. *M. Gibson* moved for a Return showing the quantity of Sugar the produce of British possessions in America, the Mauritius, and the British settlements in India, upon which the duty chargeable on British plantation Sugar was paid; also showing the quantity of Sugar refined from the same, which was exported, calculating each ton of refined Sugar so exported as representing 21 cwt. of raw Sugar; also the quantity of Molasses upon which duty was paid, converted into its equivalent quantity of Sugar calculating 24 cwt. of Molasses to represent 9 cwt. of Sugar; and showing, from these data, the actual quantity of Sugar retained for consumption in the United Kingdom, in each year, from 1830 to 1843.

Sir *R. Peel* could not consent to the Motion. From its terms, an inference was drawn by the hon. Member for Manchester that his statement on a former evening with reference to the subject was not borne out by the Official Returns. He was quite ready to give every information on the subject, but he could not acquiesce in a Motion which assumed that a certain principle of calculation was a correct one.

Motion withdrawn.

House adjourned at half-past one o'clock.

HOUSE OF COMMONS,

Wednesday, March 13, 1844.

MINUTES.] BILLS. *Public.*—2°. Commons Inclosure.

Private.—1°. Monkland Railways; Edinburgh, Leith, and Granton Railway; Harrowgate and Knaresborough Railway.

PETITIONS PRESENTED. By Lord Henniker, Mr. Burroughes, and other hon. Members, from 168 places, against any Alteration in the Corn Laws.—From Merchants (2), respecting Carriage of Goods by Railways.—From Twncelyn, and 8 places, against Union of Sees of St. Asaph and Bangor.—By the Solicitor General, from Exeter, against Poor Law Amendment Bill.—By Mr. Hawes, from Lambeth (6), for Reduction of Duty on Tobacco.

COURT OF ARCHES BILL.] Mr. *Elphinstone*: In moving the Second Reading of the Arches Court Bill said, I can assure the House, that I shall be as brief as I can in explaining the object I have in view. The House is aware, that there are a vast variety of Ecclesiastical Courts (amounting to upwards of 300) in different parts of the country, and that an appeal lies from one to the other of these Courts, and afterwards to the Court of Arches, which latter Court is the supreme Ecclesiastical tribunal. For instance a Dissenter may be dragged before some peculiar or Archdeacon's Court, for non-payment of Church Rates; having no means of escaping the jurisdiction, he has to go through the whole expense of a suit in this inferior Court; an appeal is then made to the Bishop's Court; here, again, the same process of paying fees is to be gone through. Ultimately, both parties being dissatisfied with decisions in Courts below, an appeal is made to the Court of Arches, and, then, it is probably discovered that the whole proceedings have been irregular and the suit is quashed. It may even be worse than this, for the appeals may be on some interlocutory matter, and then the unfortunate party has to go through the Courts several times. It must be obvious that this system causes great expense and inconvenience to the public. Now, I propose to give to any party who may be so unfortunate as to be entangled in these inferior Courts, whether plaintiff or defendant, the power of declining the jurisdiction of the inferior Courts, and having his cause heard in the Court of Arches, a Court which is invariably presided over by a Judge on whose learning and on whose judicial fitness the public can rely. At the same time, if parties prefer to carry on litigation in a Local Court, I leave them at perfect liberty to do so. The principle on which this Bill is founded has been approved of by every person who has attempted to amend Ecclesiastical Courts. It formed part of the principle of Lord Brougham's Bill, of Sir F. Pollock's Bill in 1835, of Lord Cottenham's Bill in 1836; and it was included in the Bill introduced by my learned Friend the Judge Advocate last year. I introduced a similar measure in the course of last Session. My learned Friend (Dr. Nicholl) objected to my Bill last year (not on principle), because he said it was unnecessary, because Her Majesty's Government were determined to carry their Ecclesiastical Courts Bill. I ventured to tell my right hon. Friend that I was afraid he would not be a true prophet. If Dr. Nicholl had not interfered last year, this desirable improvement might have now been law. If my right hon. Friend makes the same objection this year, I venture again to say, that it is impossible to say what may be the fate of Lord Lyndhurst's Bill; and that it is worse than folly to reject a good measure because another measure may be passed. I cannot help thinking, that my right hon. Friend would adopt a wiser and a more practical course, if he really wishes to carry into effect those improvements in the Ecclesiastical law, of which both he and I have seen the necessity, if, instead of endeavouring in one Bill to make great and violent changes in the law, changes which excite the prejudices of some, and the interested opposition of others—if, instead of introducing Bills containing upwards of 100 clauses, of so complicated a nature that the best lawyer, either in or out of the House, cannot venture to predict what their operation would be on the general law of the land—if he were gradually and safely to introduce specific remedies for the different grievances which may be pointed out by the voice of the public, I will only add, Sir, that every person I have consulted on the subject, whether, in the profession to which I have the honour of belonging, or whether a suitor in these Courts, has cordially approved of the Bill. I beg, therefore, to move the second reading.

Sir *James Graham* suggested that the hon. Gentleman should postpone his Bill until the Government Bill came down from the other House, which he promised should take place before Easter.

Debate adjourned for a fortnight.

INCLOSURE OF COMMONS.] Lord *Worsley* moved the Second Reading of the Inclosure of Commons Bill.

Mr. *Sharman Crawford* opposed the Bill; but declared he had no desire to show disrespect to the promoters of it. The rights of the poor should be scrupulously watched. Those rights were originally granted by the lords of the soil, who were called benefactors, and better entitled to that name he feared, than they were at present. He objected to the leading principle of the Bill, because he denied that those who were at present in occupation should be allowed to determine the rights of future generations. There was one clause by which it was enacted, that a public meeting should be convened to determine whether an Act of Inclosure should be applied for or not, which was to be determined in the affirmative on a requisition being signed by persons representing in the aggregate two-thirds of the value in the commons proposed to be inclosed. But there were no means to determine what the value was. This was to be determined afterwards, if necessary, by a scrutiny before the Commissioners. In the mean time, however, the Chairman might rule the question by his own arbitrary authority. against which those who dissented would have to appeal to the Commissioners. But, suppose the meeting were to disagree to the proposal for the inclosure, it was then provided that a paper might be handed about from house to house, and so the required number of signatures be obtained privately, after they had not been obtained at the public meeting. He asked what was the use of having a public meeting at all if the business could be accomplished afterwards, in spite, perhaps, of the views of the public meeting. There were several other clauses of the Bill, the effect of which would be that, whilst it was in appearance left to the commoners to decide whether the Enclosure should take place or not, the power was in fact ultimately vested entirely in the Commissioners. Then as to the class of persons who had a right to vote at these meetings. Here, again, a great injustice was done to the poor. On referring to the twelfth clause, he found that no person was to have a right to interfere in these proceedings when he paid more than two-thirds actual value rent, or where he had only a tenancy at will, or a lease of less than fourteen years; but if he had such an interest then he was to have a joint right of interference with the man under whom he held. But he would ask why, because a man held at a rack-rent, should he not have a voice in these proceedings in which he certainly still was interested? He thought this provision, like the rest of the bill, most unjust to the poorer classes. With respect to the working of the bill, should it ever be carried into effect, it was proposed to appoint the Tithe Commissioners to perform this duty, but it gave at the same time the power of appointing Assistant Commissioners, who might have a retinue of clerks. Of course these persons would expect to be paid, and the House might look to having an application made to it for remuneration; or if not, they would pay themselves in some other way less desirable for the public. It seemed to him very much as if it was the object to perpetuate the offices of these Commissioners, after their present duties were terminated; and it would be the object of the Commissioners in all cases to force on Enclosure Acts in order to perpetuate their duties. There was another point to which he objected. He did not see anything in the bill to prevent a person from acting as Commissioner in one of these cases who was himself directly interested in the result; and this was what he thought should never be allowed. The next point upon which he had to observe was, that it was proposed to advance the money for the expense of carrying this act into operation out of the Consolidated Fund. He objected strongly to this proposition, because he thought that those who were to be benefited by the contemplated proceedings should pay the necessary expenses, and not the nation at large. It seemed indeed to be the object of the bill to avoid the expense which was at present incurred in applying for Enclosure Bills in Parliament, But this very expensiveness of the present process was what he for one was not disposed to object to, because he considered that it acted as a wholesome check upon such proceedings—which were proceedings in their nature infringing on the interests of the poor. He would have no objection to the Enclosure of Commons, if it were done upon proper principles, by which the interests of the poor should be permanently benefited. Those Enclosures should be made, not for the individual advantage of wealthy landowners, but should be carried on under some authority appointed by the State, who should act as trustee for the interests of the poor. It appeared to him that one of the most important objects which the House should hold in view at the present time towards the alleviation of the distresses of the working classes and their elevation in the social scale, would be to supply them with small portions of land, to assist in their sustenance. As an instance of the advantages which would result from such a system, he would refer to a passage in the report of the Allotment Commissioners, where it was stated that a crop, value 5*l*, might be raised by spade labour upon an allotment of one-eighth of an acre of land. So important did he consider this fact, that he was firmly of opinion, that whatever means might be taken to give employment to the working classes, whether the Corn-laws were repealed or not, it would still be found necessary to give small allotments of land to the poor in various districts. Mr. Childers, in the report he referred to, gave instances of the quantity of marsh land which had been reclaimed in some places by the labour of the poor. He believed that if these Commons were given to the rich landlords they would be converted into grass lands; and what advantage, he would ask, would this be to the poor? There were already complaints abroad of the class legislation which was carried on all in favour of the interests of the rich, to the detriment of those of the poor; he hoped the House would not give additional occasion for such complaints by passing this bill. If this House did an act by which they would be enclosing for their own advantage all the common lands of this country, the people would have a strong and just ground for offence; but if, on the contrary, they shewed a respect for the rights and interests of the poor, it would have a great effect in producing a kinder feeling between the aristocracy and their humbler fellow-contrymen. With these opinions he should move, as an amendment, that this bill be read a second time this day six months.

Colonel *Sibthorp* in seconding and supporting the amendment of the hon. Member for Rochdale, begged to disclaim anything discourteous to the noble Lord who had introduced this bill. He had, however, told the noble Lord in private, when he mentioned his intention of bringing in such a measure, that he should give it his firm but humble opposition. With respect to the hon. Member who had moved the amendment, he believed he could say of him that there was not in the United Kingdom a landlord who was more generous to his tenants, more beloved by them in return, and who had a greater regard for the interests of the poor than that hon. Gentleman. Now, with respect to this bill; it was laid on the table on Saturday, when it contained 140 clauses; it had now, however swollen to 149 clauses, why or wherefore he did not pretend to know. He denounced the bill as most arbitrary in its principle, and likely to be most expensive in its carrying into effect. The expense was such that no one, not even the noble Lord himself could pretend to say how it would end. The noble Lord had thought to throw in a little sugar to sweeten the bitterness of the rest of the enactment, by proposing that the Tithe Commissioners should undertake the duties under this measure. But surely the noble Lord must be aware that the Tithe Commission would expire in four years; and, if he was not misinformed—he had been told it, indeed, to-day—that a greal deal which the Commission should have done by this time was not done. But it should be borne in mind, also, that there was the power of appointing numerous assistants and secretaries, which would all incur expense. He saw that money was to be borrowed from the Consolidated Fund. He did not know what the Chancellor of the Exchequer would say to this. He should be happy to hear that the Consolidated Fund was in a sufficiently prosperous state to make those advances. But he was afraid they would have to be repaid out of the taxes to be levied on the country. They were to be repaid out of the Poor Rates. He thought the property of the landowners was already sufficiently burthened without having an undefined amount of money drawn from their pockets under the provisions of this Enclosure Bill. He objected to the powers proposed to be given to the lords of the manor. He, as a lord of the manor, might profit by them, but he would scorn to accept a bonus upon such terms. The noble Lord had stated that there were 1,358,419 acres of land in England, and 501,815 acres in Wales, of unenclosed land; but he had not stated how many of those acres could be properly cultivated. He had looked at the records of the House, and he found, that from 1801 to 1835, no less than 1,919 Enclosure Bills had passed the House, and when he looked at the number of Enclosure Bills which had been passed during the last eight years, he found that no less than 2,015 Enclosure Bills had passed the House since the commencement of the century. Then, why should they now call upon them to make further enclosures at the public expense? Another objection which he entertained to the Bill was, that it encroached on the right of the poor, who had no power of defending themselves. The Bill gave the aristocracy an unfair power, and he was surprised that Gentlemen opposite sanctioned the 140 clauses which composed the Bill. There was another point which he wished to advert to. He had always understood that the noble Lord, the First Commissioner of Woods and Forests had shown a great desire to widen the streets of the metropolis for the benefit of the poor. He would put it to the noble Lord, therefore, how, with any consistency, he could give his consent to a measure which would deprive the people of a great deal of the air, exercise, and recreation which they at present enjoyed. He did not like to see obstructions of this kind thrown in the way of the rational enjoyments of the poor. The noble Lord said, that the Bill would give employment to the poor, as it would cause lands which were now uncultivated to be brought under cultivation, but it at the same time interfered with the rights of the poor. He objected to the Bill *in toto*. He objected to the manner in which it was hurried through the House—to the expenses which it would entail—and to the oppression of the poor, which would be the consequence of it. On these grounds he opposed the Bill, and would support the amendment of the hon. Member for Rochdale. If it passed the second reading, he should feel bound to divide the House on each of the 149 clauses of the Bill.

Mr. *Curteis* would support the second reading of the Bill; but he thought the noble Lord showed too much tenderness for the rights of lords of manors. He wished the noble Lord had taken the opportunity, in preparing his Bill, of abolishing manorial rights, which were in general beneficial only to attornies and agents—giving compensation to the lords of manors. He was anxious, while on his legs, to correct a misapprehension as to what had fallen from him on a previous evening in regard to the wages of labour in Sussex. He had been understood to say, that the wages of the agricultural labourer in that county were not less than 12*s*. a week, What he had said was, that in his own neighbourhood the wages usually paid was 12*s.*, and in no case less than 10*s.* a week. In West Sussex he had heard that wages were lower, but he himself had no knowledge whether it were so or not.

Mr. *Darby* said, the main objection to the Bill appeared to be, that it would operate injuriously to the poor; but he doubted whether at the present day common rights were, generally speaking, advantageous to the poor. He believed, that the most wretched portion of the rural population were those who lived on the edges of commons. In many cases the employment for labourers on the enclosed commons would tend to relieve the parishes of the surplus poor. He should support the second reading of the Bill.

Mr. *Cowper* thought the Bill good, as far as it went—but it stopped short at the most important point, viz.: the interests of the poor. He should vote for the principle of the measure, which he understood to be to refer to the discretion of a body of Commissioners, who had no personal interest in the matter, the apportioning of the rights of all parties in cases where commons were to be enclosed under Enclosure Bills. This was far better than leaving those matters to private legislation, where the rights of the poor were too frequently neglected—so far the Bill was important. The means of providing for the surplus population of the country was a question which had engaged some attention; but, in his opinion, if all the lands capable of remunerating labour were brought into cultivation, and if all the sources of manufacturing and commercial industry were unshackled, there would be no surplus population whatever. The common and waste lands in this country amounted, according to Mr. Porter, to 8,000,000 acres, of which more than 4,000,000 were capable of being brought into cultivation, and made a source of profitable employment. Many persons looked to emigration as the only means of removing the distresses of the country, and of providing for the surplus population. His opinion was, that the labouring population should not be driven from their own country until every source of employment at home had been exhausted. He thought, therefore, that the enclosure and cultivation of waste lands was a question of more importance than many which occupied the attention of that House. He should vote for the second reading of the Bill, in the hope that it would be materially improved in Committee. He concurred in very much that had fallen from the hon. Member for Rochdale as to the disadvantage that too often resulted to the poor from private Enclosure Bills. In former times every cottage almost had some common rights, from which the poor occupants derived much benefit—the privilege of feeding a cow, a pig, or a goose on the common was a great benefit to them,—and it was unfortunate, when the system of enclosing commons first commenced, that a portion of the land was not set apart for the benefit of every cottager who enjoyed common rights, and his successors; but the course adopted had been to compensate the owner of the cottage to which the common rights belonged, forgetting the claims of the occupier by whom they were enjoyed. He believed that if a portion of the enclosed lands had been allotted to every cottager enjoying common rights when the enclosure took place, the agricultural labourer would have been in a far better condition than he was at this time. He should be glad to see some arrangement such as he had suggested provided for in the present Bill; and if no other hon. Member should make a Motion to that effect, he would himself move the insertion of a Clause in regard to the allotment of land. It must be recollected that this was not a question affecting the welfare of the agriculturul labourer only—the manufacturing labourer was equally interested. The greatest amount of waste lands, in the counties of Yorkshire and Lancashire especially, was to be found in the neighbourhood of the large manufacturing towns; and it would be conferring a great boon on the manufacturing labourer and to the whole country, if, in enclosing those lands, allotments were made for the benefit of that class of the community. He thought the Bill went too far in proposing to enclose all common lands. He should wish that in Committee, all common lands now unenclosed in the vicinity of great towns should be excluded from the operation of the Bill. It was true that the noble Lord (Lord Worsley) had provided that a discretion should be exercised by the Commissioners, and that in such cases as he alluded to they might consult the wishes of the inhabitants; but he did not think that was a sufficient security. He was sure the Bill would meet with considerable opposition in Committee if the rights of the poor were neglected in reference to the points he had adverted to.

Mr. *Aglionby* was favourable to the Bill, as tending to effect a saving both in time and money, over the old system of procuring Enclosure Bills. The rights of the poor would receive every consideration under the Bill. He had taken the greatest pains in going over the Bill, and there was not a Clause in it which did not give more protection to the poor than was generally given in the old Enclosure Bills.

Mr. *Miles* thanked the noble Lord for the trouble which he had taken in introducing his Bill. He was decidedly in favour of the principle of the measure, which would have his most ardent support. He only hoped that the noble Lord did not intend to refer it to a Select Committee up stairs, as in that case much time would be lost in its progress.

Colonel *Wood* observed, that there was not quite so large a quantity of waste lands in the country as had been imagined by the hon. Gentleman. From a return which had been laid upon the Table last year it appeared that there were only 1,000,000 acres. [Mr. *Cowper.*—That is only the return for some part of the country.] At all events, it extends to all the parishes in which the Tithe Commutation Act had been carried into operation. And, certainly, there could hardly be such a vast disparity between that estimate and the truth as between 1,000,000 and 8,000,000, as had been estimated by the hon. Gentleman. It had been estimated by the hon. Member for Somersetshire 15,000,000; so great was the variation of opinion on this subject. Now, the return enumerated upwards of 700 parishes, in which there were not 100 acres of common or waste lands. He deprecated the passing of a measure that should facilitate the enclosure of such small quantities of land as were not worth the expense of enclosure, but would yet be of great benefit to the poor as at present enjoyed. For he thought many much underrated the importance to the poor man of opportunity for feeding some small animals. He regretted that the Committee up stairs were not to have referred to them the subject of the several Enclosure Acts, instead of the particular measure before the House. The expense of procuring particular Acts might perhaps be beneficially reduced as to common or waste lands. As to common field lands, the particular Acts were not required. For under Lord Ellenborough's Act (6th and 7th William IV.), three-fourths of the occupiers of the common field lands might appoint Commissioners for enclosure; and he knew of parishes in his own county in which the measure had been carried into operation. He might advert to the Moor at Staines as one of a class of commons which afforded many valuable advantages to the poor man, which he should regret deeply to see diminished or deteriorated. With respect to other than common field land, if Private Acts were facilitated, particular cases could be thus provided for with that attentive consideration which was secured by the proposition of a Private Act. As to common field lands, what would be the effect of the present measure? Would it abolish Lord Ellenborough's Act? This point was worthy of consideration. He doubted the utility of the Bill, and he should vote against the second reading.

Mr. *Hume* said, the principle of enclosure had been carried much too far already. Instead of affording "facilities" for enclosing lands, they ought to throw every impediment in the way of those grasping proprietors who wished to take every plot of ground away from the poor for the purpose of applying them to private purposes. It should be considered, that open spaces were required for the health of the population. At present the poor were driven into dusty roads whenever they wanted a mouthful of fresh air. Grasping landlords stopped up all the walks through the fields and meadows, and not an acre of playground was left for the children of a country village. The consequence was, that they were reducing their population from a bold and hardy peasantry to a stunted, weak, and effeminate race of men. The effect of this sort of measures had never been to increase the labour of the poor—enclosures had never afforded any compensating advantages for the many disadvantages they involved, and for these reasons he should most undoubtedly give his negative to this attempt to extend their principle.

Sir *R. Peel* agreed with some of the observations of the hon. Member who had just sat down, but came to a different conclusion. He thought it but due to the pains which the noble Lord had taken with this Bill, that the House should give him the opportunity of submitting the details to further consideration, and therefore he should give his vote for the Second Reading. In the first place, he thought there were many descriptions of land, the inclosure of which was facilitated by this bill, which it would be for the general interest of the community should be inclosed. There was a good deal of land held by landed proprietors, in respect of which there was a common right of pasture, and he believed it would be of great public advantage to permit the inclosure of that land, and to give to each proprietor his own separate allotment. But when they came to the question of enclosing commons in the neighbourhood of towns, with respect to which the poor inhabitants of those towns were interested, he, for one, should look with very great jealousy at a bill which gave too summary a power as to these inclosures. In the first place, he thought it was a great public object to have near towns (he was not speaking of great towns like Glasgow or Manchester, but towns of 3,000 or 4,000 inhabitants) an open space accessible to all. He thought it would be very unwise to apply the rigid principles of political economy, and to say that by inclosing these spaces, a greater quantity of vegetable produce could be procured. He thought you had a perfect right to set considerations of health, of innocent recreation, of moral improvement, against the mere considerations of pecuniary gain; and if you were to prove that by the inclosure of the land for a certain period of time, there would be a demand for labour, and ultimately and apparently an increase of produce, these facts would not be considered by him as conclusive; he would consider the other question, whether or no you were interfering with the healthful amusements and recreations of the people. He could conceive many cases in which, unless there were precautions taken — unless you gave the poor the means of protecting their interests, you ran the risk of doing great injury, and of having all these spaces, not merely near towns, but near villages, totally lost to the public. Take the case of a public common accessible to all the inhabitants, and where the right of soil is in the corporation. It may be a great public object that it should continue uninclosed, not only for the sake of those who have a right of common, but for the sake of the poorer classes of the community, who have an open space which, because it is uninclosed, they can go upon without committing a trespass. The very circumstance of its being uninclosed, although it destroys the right of property, gives a right of enjoyment of the free air, which you diminish if you give the right of inclosure. The land belongs to the corporation, but every person who rents a house has a right to turn something or other on the land. Suppose it be thought proper in the corporation to inclose it; they exercise a considerable power over each householder; they persuade them not to be pertinacious in their opposition; an appeal is made to the Commissioners; the corporation is benefited; but he should like to know what were the poor to do? He was speaking of men who had no right but that of the privilege of access. As to the actual right, the House must be cautious how they dealt lightly with these rights. It might be a question of feeling. Hon. Members had their feelings, and the poorer class of the community had feelings on this subject. The right of common connected them with the soil; the right of turning a goose on a common made a man feel interested in the tenure of the land. It might be more beneficial to a tenant that he should accept 2*l.* or 3*l.*; but recollect that you were not dealing with the rights of the individual, but with that of his successors. Therefore, the more you could multiply this feeling on the part of the poor, the more you strengthened the foundations of landed property. Recollect that what was done was irrevocable. These towns might increase; and that was an additional reason why they should not permit too hasty an interference with those uninclosed lands. There was only one other part of the Bill on which he wished to make a remark— viz., that which gave a power of exchange. That was very beneficial in certain cases. but it appeared to be perfectly unlimited, [Lord *Worsley*: Equitable exchange.] To the present possessor it might be equitable, but there ought to be most minute inquiries whether or no it was for the benefit of his posterity that the exchange should take place. A power to convey 2,000 or 3,000 acres by the mere act of the owner was a very high power indeed, and he hoped the noble Lord would apply some restriction to the power of exchange.

Lord *Worsley* would wish shortly to explain some of the points which had been referred to by hon. Gentlemen on both sides of the House. Some observations had been made with respect to the rights of the poor to commons in the neighbourhood of towns. Now, the measure before the House provided that all care should be taken that the people should not be unnecessarily deprived of any of their rights of recreation. If hon. Members would look to the twentieth clause of the Bill, they would see that it provided that the Commissioners, upon the application of two-thirds of the interested parties, "shall proceed to inquire into the expediency of such inclosure, having regard as well to the health, comfort, and convenience of the inhabitants of any neighbouring cities, towns, villages, and populous places;" and then in the following clause it was provided that in case persons interested in the land, to the amount of one-fourth of its value, or persons to the number of one-tenth part of the male population of the parish, should give notice to the Commissioners of their intention to apply to Parliament to put a stop to the proposed inclosure, then the Commissioners should not proceed further with the inclosure, until six weeks after such notice, if Parliament be sitting; or until six weeks after it has met, if it be not assembled at the time. He would submit to the House that the question might be raised when the Bill went into Committee. Now with regard to the 48th clause, it would be seen on reference to it that the charge which had been made did not apply to it, for it gave a power of reserving portions of land for public purposes. The clause said,

> "Be it enacted, that when the Commissioners or Assistant Commissioners acting in the matter of any inclosure, shall have determined such claims as hereinbefore directed, and in case any doubt or difficulties shall have arisen respecting the boundaries of the land proposed to be enclosed shall have determined and set out such boundaries, they or he shall determine what part of the land proposed to be enclosed shall be set out and appropriated for such public purposes as hereinafter mentioned, or any of them; that is to say, for the formation of public roads and ways for supplying stone, gravel, or other materials for the repair of the several roads or ways to be made over such land, and of the other roads and ways within the parish in which such land shall be situate for the formation of such public drains, water-courses, or embankments, as may conduce to the health or advantage of such parish or the neighbourhood; for a place of exercise and recreation for the inhabitants of the neighbourhood; for the formation or improvement of public ponds, wells, and watering places; and for a supply of fuel for the poor or other inhabitants of the parish; for land for any burying-ground, or enlarging any burying-ground."

He knew that it was stated, that they ought not to interfere with open places in the neighbourhood of large towns; but he should say, in reference to that statement, that it would be a great service if a proper system of drainage were adopted in many places of that description. He had seen some of these spaces in the neighbourhood of large towns, where it would have been of the greatest importance to establish a good system of drainage, and beneficial to the health and comfort of the inhabitants of the towns situated near those open places; and if a sufficient number of persons in a town opposed the inclosure of such a place—if one-tenth of the inhabitants refused to agree to it, they might find in many such cases that it would have been better for the health and comfort of the inhabitants if a better drainage were established. The 70th clause made further provision for public uses—it provided

> "That the valuer acting in the matter of any inclosure shall and may, in pursuance of the directions of, or in any manner inconsistent with the directions of the draft, award, set out, and allot such part of the lands to be inclosed as by such draft or award shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood."

He agreed perfectly with the right hon. Baronet, in the opinion he expressed with respect to the importance of taking care that the inhabitants of large towns were provided with proper places of recreation; for he thought that such means of amusement were calculated to keep persons out of the beer-shops and such places, he thought it would consequently be of great advantage to have public walks in the neighbourhood of populous places. He thought the Bill was one calculated to produce great benefit to the public, and he could assure the House that it had been framed with a due regard to the rights of the poor as well as of the more wealthy classes. He brought it forward on public grounds solely, and he looked on it as a measure which would give considerable employment to the poor, and would be of great public advantage.

The House divided on the question, that the word 'now' stand part of the question:—Ayes 70; Noes 23: Majority 47.

List of the AYES.

Acland, T. D.
Aldam, W.
Bentinck, Lord G.
Blackstone, W. S.
Borthwick, P.
Bowes, J.
Busfield, W.
Cavendish, hn. G. H.
Cowper, hon. W. F.
Cripps, W.
Curteis, H. B.
Darby, G.
Denison, J. E.
Denison, E. B.
Divett, E.
Douglas, Sir C. E.
Ebrington, Visct.
Eliot, Lord
Evans, W.
Farnham, E. B.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, rt.hn.W.E.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenaway, C.
Greene, T.
Harcourt, G. G.
Hay, Sir A. L.
Henniker, Lord
Hinde, J. H.
Hope, G. W.
Howard, P. H.
Humphery, Ald.
James, W.
Jermyn, Earl
Johnstone, Sir J.
Langston, J. H.
Lincoln, Earl of
M'Neil, D.
Manners, Lord J.
Marsham, Visct.
Miles, P. W. S.
Miles, W.
Morrison, J.
Neville, R.
Newdigate, C. N.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Plumptre, J. P.
Plumridge, Capt.
Protheroe, E.
Rushbrooke, Col.
Sandon, Visct.
Scott, hon. F.
Shaw, rt. hon. F.
Stanley, Lord
Sutton, hon. H. M.
Thornely, T.
Tollemache, J.
Vivian, J. E.
Wakley, T.
Warburton, H.
Wawn, J. T.
Whitmore, T. C.
Wortley, hon. J. S.
Wrightson, W. B.

TELLERS.

Worsley, Lord
Aglionby, H. A.

List of the NOES.

Antrobus, E.
Baskerville, T. B. M.
Berkeley, hon. H. F.
Bright, J.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Butler, hon. C.
Butler, P. S.
Duncan, G.
Ewart, W.
Hume, J.
Hussey, A.
Mitchell, T. A.
Morgan, O.
Morris, D.
Pechell, Capt.
Richards, R.
Scholefield, J.
Scott, R.
Sotheron, T. H. S.
Stanton, W. H.
Wood, Col.

TELLERS.

Crawford, S.
Sibthorp, Col.

Bill read a second time.

MASTERS AND SERVANTS' BILL.] On the Motion that the Masters and Servants Bill be committed,

Sir *James Graham* said, that he agreed in the object of the Bill, but he thought the means that were taken for attaining that object were inexpedient. It recited five or six Acts of Parliament, and proposed to amend certain parts in each of those Acts. Now he would suggest as a better plan that the Act should repeal those former Acts, and then it might contain all the portion that was really valuable in those Acts, whilst it would be infinitely more clear and precise.

Mr. *Miles* would act upon the suggestion of the right hon. Baronet. Those Acts were recited in order that hon. Members might more clearly see the Acts which it was desirable to amend. He believed, however, that the suggestion of the right hon. Baronet would be found preferable to the mode adopted in the Bill, and he should move that the Bill be committed *pro forma*, with a view of acting on that suggestion.

Bill committed *pro forma*.

CLERKS TO JUSTICES.] Lord *Worsley* rose for the purpose of moving for a Select Committee to enquire into the mode of appointment, the duties, and the present system of remunerating the Clerks to Justices at Petty Sessions in England and Wales, and to report the evidence and their opinion thereon to the House. The noble Lord said that the reasons which principally induced him to desire an enquiry into the operation of the present system of remunerating Clerks to the Magistrates at Petty Sessions were, that he had seen it frequently stated in the public papers, and he had frequently found in his experience as a Magistrate, that there was a great apparent injustice in the disproportion between the fines levied on persons convicted before the Magistrates at Petty Sessions and the costs that accompanied those fines. It often happened that persons were brought before Magistrates for small offences—such for instance, as stealing part of a fence, or committing a trifling assault—and in those cases the Magistrates would be anxious to inflict a small punishment, such as would be effected by a trifling fine; but they saw that a fine of 2*s.* 6*d.* or 5*s.* would often inflict a much heavier punishment than the Magistrates would desire to inflict, by the addition of fees and costs to an extent that in many cases obliged those persons to go to prison in default of payment. He moved last year for a return of the fees to clerks at petty sessions, with an account of the number of fines inflicted, and persons sent to prison in default of payment of costs or fines. But the return which had been made was not, by any means, as full and conclusive as he felt to be required. However, from the manuscript returns he had been enabled to collect many instances of very large costs having attended the infliction of small fines, and consequently, that a great deal of suffering had been inflicted on poor persons by the amount of those costs and fees. In Cardiff county gaol a man was imprisoned for non-payment of costs amounting to 1*l.* 7*s.* 6*d.*, when the fine was only 1*s.* In another case, the costs on as small a fine were 2*l.*; and in another case the costs on a very small sum were 3*l.* 10*s.* In a hundred in the county of Hertford, a man was fined 2*d.*, was charged with fees amounting to 14*s.* 6*d.*, and was sent to prison for non-payment of that sum. The cost to the county of sending him to gaol was 1*l.* 4*s.* 6*d.*, and the expense of keeping him in gaol was 2*s.* 4½*d.* a day, so that the whole expense to the county from the infliction of a fine of 2*d.*, with costs of 14*s.* 6*d.*, was no less than 3*l.* 14*s.* 4½*d.* Thus in one case, there were costs of 14*s.* 6*d.* added to a fine of 2*d.*; in another the fine was 3*d.*, and costs 14*s.*; in another, fine 1*d.*, and costs 11*s.* 6*d.*; in another case, fine 2*d.*, and costs 11*s.* 6*d.* Again, a case of a fine of 1*s.* 2*d.*, costs 18*s.* 6*d.*; and costs no less than 14*s.* 6*d.* were added in another case to a fine of 1*d.* He saw also a case where the fine was 2*d.* and costs 16*s.* 6*d.* In another instance, a party suffered imprisonment for three weeks in default of payment of the fine and costs. He could multiply such cases if necessary, but those he had referred to were sufficient to show the disproportion in many cases between the fines and the costs, and the great suffering such a system must inflict. Parties were sent to prison, not because a fine was inflicted of a serious nature, or one that indicated a desire on the part of the Magistrates to visit the person convicted with severe punishment, but they were sent to prison for the non-payment of fees and costs, superadded to those small fines. That was a great evil, and one that might be avoided by adopting a different system of paying the Clerks. If they were paid regular salaries out of the county-rates, the system would work better than the present one. He believed many of those Clerks were very honourable men; however, the tendency of a system under which they were paid from fees must naturally be to increase the number of summonses. It was high time that an alteration should be made in the system, and this mode of paying the Clerks would effect that alteration. If there was a fixed salary allowed them, they would have no interest in the increase of business at their courts. He hoped the attention of Government would be directed to the subject, and if he had an assurance that they would take up the subject during the present Session, he had no desire to press his Motion. He hoped Government would give an assurance that they would, during the present Session, introduce a Bill to remedy the defects he had stated. The Clerks, he thought, might be usefully employed as public prosecutors. He should conclude by moving for the appointment of a Select Committee.

Mr. *M. Sutton* thought, that what had fallen from the noble Lord was deserving of great consideration. He understood the noble Lord's objections to be directed against the system, and not the personal conduct of the Clerks of the Peace. It was not necessary for him to go through all the noble Lord's observations. He could give the noble Lord the assurance he was led to expect, that the attention of the right hon. Gentleman at the head of his department had been called to the subject, and that a Bill was in preparation which would, he believed, be in a short time introduced. Under these circumstances, the noble Lord would not, probably, press for a Committee.

Motion withdrawn.

NEW SOUTH WALES.] Mr. *Scott* said, he rose to move for the production of certain papers, relative to the condition of licensed occupiers of Crown Lands in New South Wales, with a view to establish their claim to pre-emption of the lands they held and had improved. He said they were a class of men, of whom, perhaps, little might be known in this country, but who were, nevertheless, a most important and influential body, both in the colony and in the commerce which is carried on with Great Britain. The rapid increase of colonial imports, their value, and the consumption of exports from this country, is in a great measure owing to these men. At present that colony, with a population of about 150,000 persons, consumed annually the almost incredible proportion of from 10*l.* to 12*l.* per head of British exports. It was a wonderful example of an infant state, at the distance of 16,000 miles, in which 150,000 persons take two-fifths of the amount of exports taken by the thirty millions inhabiting the states included in the Zollverein of Germany, and send two-thirds of the whole quantity of wool that is sent by the same states to this country. This result, within the last ten years has been mainly produced by the licensed occupiers beyond the boundaries. It was now about ten years since the ground within the limits of the colony of New South Wales became so fully stocked that it was necessary to seek for land without. To find space for their herds, enterprising parties went in quest of favourable localities on which to form sheep establishments. Exposed to every privation, their men frequently killed, their huts plundered, their flocks carried off to the amount of thousands in a single night, such were the hardships endured by the squatters of New South Wales. The Aborigines gradually retired, crops sprung up in what was formerly a desert, roads or tracts were formed, the progress of location continued beyond them, and the country assumed the appearance of civilization. It is to these men, the real surveyors of the country, that the Government and this country are indebted for the discovery of the land, the acquaintance with its mountains and its rivers, the knowledge of its resources, the acquisition of its territory, and more especially for the addition of its wealth, for the colony must have remained comparatively insignificant had its resources been confined to the limits of the nineteen counties. Originally only colonists, their numbers received large additions subsequently from other quarters. Want of employment both for capital and individuals at home, and expectation of advancement abroad, carried out vast numbers to New South Wales. Amongst these were many men of character and education; but he could best describe the class by referring to the words of Sir G. Gipps, in a despatch dated December, 1840. He said—

"Among the squatters of New South Wales are the wealthiest of the land, occupying with permission of Government, thousands and ten thousands of acres; young men of good family and connections in England, officers of the Army and Navy, graduates of Oxford and Cambridge, are also in no small number amongst them." (He further states, that) "The system they have pursued has been fostered and encouraged by successive governors of the colony, and by successive acts of the Legislature; and this had been done in the conviction that such easy occupation of Crown land is essential to the prosperity of the colony, and because it is wise to sanction and regulate that which the Government has no power to prevent, even were it disposed to do so. "As well might it be attempted (he continues in another place) to confine the Arabs of the Desert within a circle traced upon their sands, as to confine the graziers or wool-growers of New South Wales within any bounds that can possibly be assigned to them; and as certainly as the Arabs would be starved, so also would the flocks and herds of New South Wales, if they were so confined, and the prosperity of the country be at an end."

Such is the testimony of the Governor of the colony respecting the enterprising class of men occupying the Crown Lands, and such are the sentiments entertained respecting the benefits they confer upon the colony. In these opinions he fully concurrred, but not in the statement that they had either been fostered or encouraged. Had they been either fostered or encouraged, they would neither be in the position in which they now are nor would they be seeking for redress of the grievances of which they complain. The House would recollect, that when these men go into the pastures, they go into a wilderness. Residences must be raised for themselves, and their shepherds; sheep-pens, barns, and wool-sheds erected, all the arrangements of a large establishment. These are absolutely necessary, in order to make their flocks a source of profit. And yet all these buildings are done in the most unstable manner; for the existing law, which he asked the House to reconsider, denies them a tenure which would enable them to give comfort to their dwellings, or stability to their farm buildings; the necessary expenses, however, cannot be estimated (says the Lieutenant Governor of Port Phillip) at less than 1,000*l.* on a station of a first class, and at 300*l.* or 400*l.* on one of the second order. Yet after this expenditure has been made, the Government reserves to itself the power of turning these men adrift at a moment's warning. The consequence is that no prudent man would lay out one farthing more upon the buildings on his station than he was obliged : hence we see men whose property is worth thousands, and who have been brought up in the lap of luxury, living in a wretched cabin of rough slabs of wood. He would not detain the House with an account of the settler's abode, of the bark hut, the damp clay floor, the bed of sheets of bark, with perhaps a saddle for a pillow, no single article of furniture around him, his food of simplest and of rudest kind—the flesh of his flocks, the milk of his herds, cakes baked in the ashes on his hearth, being all his sustenance; yet these hovels and this sustenance are the dwellings and the food of nine-tenths of those located beyond the boundaries. It is not the inability of these persons to supply themselves with the necessaries and many of the comforts of life—it is the existence of the law of the Government, which by rendering it liable that that may be another's to-morrow, which is theirs to-day, renders it imprudent in them to raise buildings for another's benefit. They will not sow in order that another may reap; they will not plant in order that another may cut down. They dare not build a house which, meeting the eye of envy or of covetousness, they may lose in consequence of having built it, they dare not build, because the Governor may of his own free will, deprive them thereof. And if these discomforts apply with force to their domestic life, they apply still more prejudicially to the public by affecting the management of the large establishments. The wool of New South Wales is equal in quality to German wool, but the greater part of it is got up in a very inferior manner — the reason is obvious. The great flock-masters—for those without the boundaries already send more wool than all the stockholders within the nineteen counties designated New South Wales—dare not erect proper shearing sheds, wool sheds, or washing pens for the purpose required. These would call for a very great outlay, and in their present state of insecurity no one will erect to-day what may be taken from him to-morrow. Nor does this apply less to the protection of his crops, or to the mills required to grind his corn. No mills are erected, consequently the whole grain beyond the boundaries is ground by hand, at an expense four times that at which it could be done by mills. It applies to all permanent improvements. This system of insecurity of tenure exists universally, and is universally ruinous. Nothing arrests energy so much as uncetainty. Has uncertainty of tenure contributed to the prosperity of Ireland? Do you seek to perpetuate such a system there? If uncertainty of tenure be unjust and inexpedient in Ireland, you will hardly recommend its adoption or continuance in New South Wales; nor do the evils of the system apply merely to the pecuniary circumstances of the parties. It affects them in every relation of life; it affects their morality. These settlers lead a pastoral life, in all but the social comforts and domestic virtues. Nineteen out of twenty of the stockholders beyond the boundaries are unmarried, not that the married state there is a more expensive one, it is the reverse; but in the dwellings they occupy, they cannot enjoy the comforts of social or domestic life, and they dare not, under the existing law, afford the risk of improvement; and that which applies to the masters applies also to those whom they employ. With so uncertain a tenure, they cannot be at the expense of sending into the interior families of whose services they may be deprived tomorrow, by an act of the Government. The want of certainty retards civilization. The principle applies with no less force to our intercourse with, and our hopes of civilization of the aboriginal natives. Introduce what law, make what regulations you please, the civilization of the natives depends mainly on the amount and influence of morality of the settlers; and nothing will contribute to this in a greater degree than the domestic virtues consequent on the introduction of wives into their families. Matthew Moreham, protector of the Aborigines, states that now the females are a frequent subject of quarrel between the blacks and settlers. The redress of these grievances, the remedy of these evils, the reform of these abuses, is the right of preemption. The right of the settlers to purchase, at the minimum government price, the lands which they have discovered almost as much as Columbus discovered America, and to which they, and they alone, have given the value they now have. This right has been given by America to those occupying lands in the interior. And he trusted that the Government may be disposed to take up the question, and to reconsider the law as it exists at present, and to grant to reason and to equity the indulgence which the inhabitants of New South Wales claim, and which they so fully merit, by the benefits they have conferred on the colony, and on the mother country. But if the condition of these settlers does not induce you—if the enumerated evils of uncertain tenure be insufficient—if the calls of morality and the claims of civilization do not appear to have sufficient weight—if you are unwilling to grant it for these reasons—do it on your own account. Consider the question in a commercial point of view. Is the House aware of the immense amount of increase in value imported from Great Britain into the colony, namely, from 409,344*l.* in 1832, to 1,837,000*l.* in 1841? and the whole of this amount is paid for in wool, of which the quantity imported in 1832 was 1,500,000 lbs., and last year was 10,500,000. Nor let it be forgotten that by far the greater quantity of the wool, of which the increase has been so surprising, and which goes to pay for the exports above enumerated, has been raised by the very men who live beyond the boundaries, and in whose behalf the question is thus brought before you, and is the only article in which they can pay you. You may object that their case has not heretofore been brought before you. But, then, dispersed as they must be whose occupation is grazing, in a country where from three to five acres are required to support a single sheep, they cannot so easily combine, and the hardships must both be pressing and of long duration before those who are reduced to so much suffering will raise a complaint. The House is aware of the wealth, of the importance, of the enterprise and intelligence of these men, and all these are so many and grave reasons for taking these complaints into consideration; but there is yet another and more grave:—There are no less than 1,000 stockholders who have licences beyond the boundaries, and about double that number besides, who hold stock running on the stations of licensed occupiers. Thus there are about 3,000 persons in and around the counties of the colony, comprising almost all that is distinguished from property, education, character, or energy, these men are powerful, but they are not contented. He had stated the number of flock masters. In 1839 Sir G. Gipps stated that they had 7,000 or 8,000 tenders, or shepherds, and he also gave the numbers of their stock, which he believed to be very much underrated at 1,334,000 sheep, and taking the average rate of increase since 1832, we are warranted in assuming that the present number of sheep amounts to nearly 3,000,000. They occupy a tract of country extending along 1,200 miles of coast, stretching around and beyond the colony, along the whole line of frontier and of sea-coast, from Portland Bay to the 25th parallel of latitude, and dipping about 300 miles into the interior, and making an average advance latterly of from fifty to seventy miles a year. He asked whether it would not be a stroke of wisdom and sound policy, as well as of justice, to conciliate these men by the concession of their reasonable demands, or by a recommendation to the Colonial Government to adopt measures for that purpose? England boasts of dominions upon which the sun never sets; her colonies are found in every quarter of the globe, so her commerce enters into every port, and her flag is respected in every sea. It is the establishment of colonies, and their encouragement in every clime, that has thus contributed to her naval strength and commercial prosperity, and upon their extension and continuance he considered that her greatness mainly depends. They are the roots which the tree has thrown into distant and newer soil, which at once strengthen and sustain the poorest stem and add fresh vigour to the branches. In the event, however remote, of some foreign power seeking to establish a rival dominion in the Pacific or the Southern seas, would it not be most desirable to endeavour to cement the affections of the offspring to the parent? Would it not be better that considerable men in the Colonies should be favourably disposed towards, and warmly attached to the Government? And would it not be next to madness to alienate the affections of so powerful a body—of a Colony which at once supplies our markets so largely, and takes so largely of our exports? He rested his application for papers, with a view to obtain the right of preemption of lands, and to bring the matter under the immediate consideration of Her Majesty's Government, on the basis of reason and of justice—he appealed on the ground of equity and of fairness, and on the interests of the Colony and the mother country—he applied on behalf of the civilization of the natives and the morals of the colonists—he relied on the benefits which commerce would derive, on the principles of sound policy. He regarded the prospective security and safety to the Empire, but insisted more than all on the circumstance that the indulgence or act of justice which is asked would inflict no harm or injury on any one. If he did not believe that this measure would not hurt the wool-growers of this country, connected as he was with a county which supplies large quantities of wool to the manufacturers, he should be the last person in this House to bring forward such a measure; but, believing, as he did, that the competition is not between the home-growers and the colonial, but between the colonial and the foreign, he brought forward the question with the confidence that it would meet with the support of Her Majesty's Government.

Mr. *G. W. Hope* had, on the part of the Government, no objection to the returns moved for by the hon. Member, but it must be distinctly understood that he did not admit the statement of the hon. Member to be a correct representation of the case. The Government did not agree in those views of which the hon. Member was the advocate.

Motion agreed to. House adjourned at nine o'clock.

HOUSE OF LORDS,

Thursday, March 14, 1844.

Minutes.] Bills. *Private.*—$1^{a.}$ Edward's Estate; Nugent's Naturalization.

$3^{a.}$ and passed:—Schuster's Naturalization.

Petitions Presented. By Lords Prudhoe, Sondes, and Feversham, from Malton, Canterbury, and an immense number of other places, for Protection to the Agricultural Interest.

HOUSE OF COMMONS,

Thursday, March 14, 1844.

Minutes.] Bills. *Public.*—$1^{o.}$ Dean Forest Encroachment; Indemnity; Land Tax Commissioners Names; Night Poaching Prevention.

Reported.— Teachers of Schools (Ireland); 3½ per Cent. Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund (8,000,000*l.*).

Private.—$1^{o.}$ Liverpool Fire Prevention; Manchester Stipendiary Magistrates; Manchester Improvement; Manchester Police; Coventry, Lammas, etc. Lands; South Eastern Railway; Leeds and Selby Railway Purchase (No. 2); Maryport and Carlisle Railway; Chester and Holyhead Railway; Eastern Union Railway.

Reported. — Rochdale Gas; Bury Inclosure; Ramsay Inclosure; Lancaster and Carlisle Railway.

Petitions Presented. From Pickford & Co., and others, respecting Conveyance of Goods by Railway.—By Lord Sandon, from Ludlow, and 3 other places, against Union of Sees of St. Asaph and Bangor.—From Samuel Gordon, complaining of Injuries.—From Thomas Callan, for Increase of Grant for Public Works (Ireland). — By Lord Ossulston, from West Keal, and 33 other places, against any Alteration in the Corn Laws. — By Lord Worsley, from Dent, and 3 other places, in favour of the Commons Inclosure Bill. — By Sir W. Clay, from Shoreditch, and Fordingbridge Union, against the Poor Law Amendment Bill. — By Mr. Borthwick, Mr. Aldam, and Mr. Hardy, from Bristol, for Reduction of Duty on Articles used for Cooper's Work. — From Tunstall, for Remission of Sentence on Joseph Cappur.—By Lord Mahon, from Hertford, for Repeal of Tax on Coals received into the Port of London. — By Mr. Ainsworth, from Bolton-le-Moors, for Repeal of Duties on Raw Cotton. — From Penryn, and Falmouth, for the Suppression of Duelling. —From Glasgow University, against Repeal of Statutes imposing Religious Tests upon Professors.

The Camden Town Duel.] Mr. *W. O. Stanley* said, that with the permission of the House, he wished to correct a misstatement which he had been led into with reference to the unfortunate duel between Lieutenant Munro and Colonel Lynar Fawcett. He then stated that he had heard it reported that on Friday, the day between sending the challenge, and the date of the duel, Lieutenant Munro or his second had consulted some of the officers of his own regiment. Since then he had received a letter from Mrs. Munro, which he would read with the permission of the House:—

> "51 *Cambridge Terrace, Hyde Park.*
>
> "Sir,—Observing in *The Times* of to-day a letter from yourself regarding the late melancholy duel, reflecting upon any advice offered to my most unfortunate husband from his brother officers, allow me to assure you that not one officer still holding a commission in our regiment was consulted on Friday, and the truth is this—that one officer of thirty years' standing was consulted, likewise a gentleman of much experience in such affairs. This gentleman consulted during the day, a general officer, and Lieutenant Munro consulted three military friends not in his own regiment, who all were of opinion that there was no other course to be adopted but the one he followed.
>
> "I still linger in England to defend my unfortunate husband's case as far as in my power and I again beg to assure you that there is not the slightest blame to be attached to any of the officers of the Royal Horse Guards.
>
> "By publishing this letter in answer to yours of this day, to do justice to the officers of the Blues in this lamentable occurrence, you will greatly oblige,
>
> "Sir, your obedient servant,
>
> "Eliza Munro."
>
> "*W. O. Stanley, Esq., M.P.*"

The Affairs of Greece.] Mr. *Cochrane* rose, pursuant to notice, to move for copy of correspondence, or extracts from correspondence, between Her Majesty's

Government and Sir E. Lyons, or the Courts of France and Russia, relative to the Affairs of Greece. He said, that since he had last the honour of calling the attention of the House to the condition of the kingdom of Greece, that country must have acquired fresh claims to their consideration; the occurrences of the last six months had exercised so important an influence upon her destinies, had so strikingly developed the character of the people and the resources which they possessed, that he was sure the House would pardon him for making a few observations upon events of such vast moment to a nation in whose welfare we ought to take the first interest, inasmuch as we were the first to recognise her independent existence. It was because that kingdom was the creation of the three protecting powers—because England had always taken so active a part in promoting her welfare, that he was anxious to learn what course Her Majesty's Government was prepared to adopt in our future diplomatic relations with that country. Prior to the 15th of September last Greece was suffering from all the evils incidental to a petty despotism—the energies of the people were depressed—the internal administration of the country was enfeebled—privileges the most dear to all the inhabitants—her municipal privileges—were trampled under foot—the Constitution so solemnly guaranteed by the protecting powers was denied to them; in the meanwhile, the Executive, blindly relying upon foreign aid and mercenary troops, took no precaution against the coming storm, while those who were best acquainted with the character of the people, who, like the hon. Member for Bolton (Dr. Bowring), had witnessed their gallant exertions, their indomitable perseverance during many years of unparalleled privation, could only anticipate a renewal of those scenes of horror which had already devastated that rich and fertile country. But upon the 15th of September, the people so long depressed—so broken—some thought so dispirited—rose like one man. No act of bloodshed—almost no act of violence—was committed. The Constitution was proclaimed—it was nobly accepted by the King. It was accepted by the Representatives of France and England, who, in this, anticipated the wishes of their respective Governments. And here he trusted he should be permitted to pay what he was sure the House—what he was sure Her Majesty's Government—would consider only a just tribute to the merits of that gallant officer, who was at present Minister at the Court of Greece, appointed by the noble Viscount opposite, and confirmed in that appointment by the right hon. Gentleman now at the head of the Government. That gallant Officer had won golden opinions from all political classes, and he (Mr. Cochrane) was assured from many sources, that it was the common feeling at Athens, that to the able counsels, to the wise and conciliating policy of Sir Edmund Lyons, the country was indebted for seeing many evils averted which threatened it—and to the confirmation of that good understanding between M. Piscatory and himself, without which the future would, indeed, be fraught with danger. But he must appeal in that House against the term revolution, which had been applied to this unanimous expression of the national will. When the Assembly first met, one Deputy rose and said, "Those who make revolutions against the King and the Throne should be prepared to justify them;" but the Assembly replied with one voice, "It is not a revolution—it is not even a reform—we have asserted the truth." He thought that the House would agree with him, that all the circumstances attending this great assertion of principles were calculated to win admiration. The elections took place unaccompanied by any of those acts of violence which he was afraid were not uncommon on similar occasions, even in this country; and with the exception of one slight movement at Athens at the latter end of October, occasioned by some misinterpretation of an order from the Palace, nothing occurred to disturb the public tranquillity. The House should not forget the difficulties with which a constitutional Government so newly organized had to contend. The conflicting views and interests of parties—the small factions which, incapable of public spirit, could not be controlled by public opinion—the very ignorance of those forms which seemed so simple and were so easily understood when the representation of the people had been long established he thought that when all this was fairly considered, they must marvel at the tranquillity which had so universally prevailed, and believe that a nation so capable of appreciating the blessings of good government would be the last to compromise its existence. But there must always be in every state a certain number of individuals to whom anarchy was power, and who dreaded nothing more than the establishment of institutions, with all their guards and securities—such a party existed in Greece. Besides the House would not forget that in that country certain conflicting influences had been always operating. England, France, and Russia, each had their party, and these parties were represented in Greece respectively by MM. Mavrocordato, Coletti, and Metaxa. The Russian was the most powerful, and possessed eighty votes in the chamber—England and France together 102, and the republicans, under M. Riga Palamides, could command forty-five votes. To show the perfect cordiality which prevailed between France and England on the subject of Grecian Affairs, the House, would perhaps, permit him to quote one or two extracts from the despatches of M. Guizot and Lord Aberdeen. Extracts of the former appeared in the *Journal des Debats*—and M. Guizot said,

"Now that these events are accomplished, it only remains for us to restrain them within due limits, and to regulate their consequences; the King may, perhaps, be tempted, and even among those who have not sustained his cause in the hour of danger, there may be found many who will advise him to adopt a very different course—who will counsel him to withdraw all he has promised, to overthrow all he has accepted; but such conduct we are profoundly convinced would be as imprudent as it must be considered dishonourable. The King will assuredly have many opportunities of exercising over the future Constitution of the State a legitimate influence—let him employ them without hesitation, without any *arrières pensées*—let him endeavour to uphold the monarchial rights, and all those conditions which are essential to a constitutional Government. If, on the other hand, King Otho should endeavour to retrace the past, to withdraw the concessions he has made—if he should enter upon a course of hesitation, secrecy, and duplicity—it is then we shall fear for him many trials, more bitter than those which he has experienced, and, for Greece, dangers more fatal than those from which she has escaped. MM. Colletti and Mavrocordato will unite their endeavours to establish a constitution in that country at once free and monarchial, and it is probable that this monarchial Constitution will be owing to the cordial understanding between the two Powers.

Lord Aberdeen writing to Sir E. Lyons, in November 29, said,—

"The King of Bavaria is desirous that the royal power should be established on a solid basis, so that the democratic principle should not be unduly extended; and that all unjust attempts against the throne should be averted. The French Ambassador concurs with us upon those principles, without which the Government of his Majesty cannot possibly establish a constitutional government, which will possess the elements of power and duration. It is the duty of the protecting Powers to watch over the progress and the fulfilment of the constitution. * * * This is, therefore, the manner in which her Majesty's Government desire that you, in conjunction with that of France, induce the leaders of the Greek nation to adopt that course which all men regard as the only sure means of confirming the new state of things; but at the same time you will miss no opportunity of impressing upon the King the necessity not merely of fulfilling his promises to the people, but also of avoiding every act and expression which could awaken a suspicion in the minds of his subjects; inevitable mischief would result from such conduct. On the other hand, you will use all your endeavours to prove the mischievous theories of the extension of democratic principles."

It was, however, much to be lamented that Russia had never fairly accepted the revolution which had been accomplished, and that M. Metaxa, who represented the interests of that country, had latterly thrown some obstacles in the way of MM. Mavrocordato and Colletti. His object was, to direct the attention of Her Majesty's Government to some articles of the proposed constitution adopted by the State, but not yet ratified by the King, which, he much feared, would, if ratified, be fatal to the stability of the Throne, and the prosperity of the country. He wished to know whether Her Majesty's Government meant to support the ratification. What did Greece require? A free constitution capable of aiding the natural developement of her resources—of securing the rights of her citizens—of putting a check upon the caprices of her rulers—for this the events of the 15th of September were accomplished. And they had been most loyally and frankly accepted by the King. Would Greece now leave the straight path into which she had entered? He trusted, he believed not—but for this what was required? Above all else, a Senate, if not hereditary, at least, nominated for life by the King, as a natural counterpoise to the Chamber, elected by the people. The Assembly might well be accused of want of due reflection, if, with the example of France and England before their eyes, and surrounded by governments purely monarchical, they should not be contented with the same amount of liberty as reigned in the constitutional governments of Europe. He would now merely glance at those articles of the constitution which had been adopted by the Assembly, but which he fondly trusted the good sense of the people would prevent their insisting upon. The 39th Article of the proposed constitution enacted that each successor to the throne of Greece, must be a member of the Greek Church. Now this was to fly in the face of the allied Powers, and to act in direct violation of the original Treaty, by which the throne was vested—in the event of failure of direct heirs, to the present King—in the house of Bavaria; and this would include his Majesty's brother, who was a Roman Catholic, and on whom the throne was entailed. Besides, it was directly opposed to the 37th Article of their own constitution, which reproduced the 8th Article of the Treaty in 1832, relative to the succession. He regretted much to see, by the papers which had arrived yesterday, that this 39th Article was adopted unanimously. But he did think the Assembly should be satisfied with an engagement from the King for himself and his children, and merely express the national wish that his successors should be members of the Greek Church. The 34th Article voted the Civil List for ten years only. But the 71st Article was the most objectionable of any, by which the Senate was nominated for ten years; and this was directly opposed to the opinion of France and England, and, if ratified, must infallibly sow the seeds of constant agitation and intrigue, and of anarchy, in that country. There were several other points of minor importance, but with these he would not trouble the House; the confirmation of the articles he had cited must prove fatal to the stability of the Government, and without such stability there could be no prospect of the revival of prosperity. He thought, therefore, that it was incumbent upon the allied Powers to urge, in the strongest manner, upon the National Assembly the danger of the course into which they were rushing. The circumstances of the Greek nation having obtained a constitution for themselves did not place them beyond the protection of the three Powers. This nation was only in the position it should have occupied in 1832, and it would be a most unjust policy in us not to use all our exertions to prevent a settlement which must lead ultimately to acts of outrage and violence. Any feeling in the Assembly opposed to a fair constitution, by which the legitimate powers were to be obtained for each part of the State, was the more to be lamented, from the circumstance that his Majesty had since the 15th of September in no degree been wanting to the State. When he had the honour of seeing Prince Wallerstein in Paris, the Prince assured him that both his Majesty, King Otho, as well as the King of Bavaria, were resolved to fulfil the conditions entered into on the 15th of September, and honestly and cordially admit the new order of things. In answer to the address presented to his Majesty by the National Assembly, his Majesty thus expressed himself:—

> "I receive with much pleasure this address. The assurance which it conveys to me, that my own sentiments are in accordance with yours gives me the deepest satisfaction. In this manner we shall happily accomplish the great work of giving a constitutional government to Greece, and thus I do not doubt that we all understand the 15th of September."

It was not towards a Sovereign, who, whatever his previous faults, had now acted with so much honesty, that the nation should be wanting in reliance and faith. He did not believe his Majesty would fail in his duty. He would feign trust the Assembly would not fail in theirs; but it would be necessary for all who really had the welfare of their country at heart, boldly to follow enlightened patriotic men like M. Mavrocordato and Colletti. There were some, he feared, who supported the new Government, but were too much disposed to await events and see what course the world would take. But it was with the State as it was with religion—"He that is not with me is against me." Before he sat down, perhaps the House would permit him to make one comment upon some remarks which had fallen a few nights previously from the hon. Member for Pontefract. The hon. Member had accused him of inconsistency, because he advocated at one and the same time principles of legitimacy in old countries, and a constitutional Government in Greece. Inconsistency was a strange charge for the hon. Member to bring against any man—but in his case it was absurd. What! because he clung to hereditary descent, because he did not believe in the doctrine that kings ruled by the will of the people. In the first place, from a religious feeling; secondly, because he thought the principle of legitimacy was not only a security for our peace and happiness, but also secured us in our constitutional privileges. Nay, more; though he believed a despotism the government best adapted to Russia, was he, on that account, blind to the fact that a republicanism was suited to America? Was he, on that account, incapable of appreciating the vast blessings of constitutional government? and was he to be accused of inconsistency because he would vindicate our national faith by obtaining such privileges for Greece? and thus fulfil the conditions entered into with that country when she accepted King Otho? They must remember, that institutions adapted for one country, another was not ripe for; another, perhaps, too ripe; and he was but a shallow reasoner who would apply the same principles to all nations and to all climes. We could but use our best endeavours to obtain that great end, for which each citizen sacrificed a part of his national liberty. We must scatter in his path as many flowers as we could gather, so that he might find, in the happiness and the enjoyment of life, some consolation for the shortness of its duration. Might it be thus with Greece! In this spirit he had again ventured to bring her case before the consideration of the House, which he trusted would sympathise with him in the expression of his warm congratulations for the past, and in the fond anticipations with which he regarded the future. The hon. Member concluded by reading the terms of his Motion as stated above.

Sir *R. Peel* said, the hon. Gentleman's Motion was, "for correspondence, or extracts of any correspondence, between Her Majesty's Government and Sir Edmund Lyons, or the Courts of France and Russia, relative to the recent events in Greece." With that Motion he was not prepared substantially to disagree; but he hoped that the hon. Gentleman would permit Her Majesty's Government to exercise a very large discretion in withholding such portions of the correspondence, which, as responsible Ministers of the Crown, they might think it advisable, for the interests of the State, and from the duties they had to perform, not to produce. The question of the principle and details of the constitution of Greece was at present under discussion by the constituted authorities of that country; and the Government of England had united with that of France in offering some advice upon the general principles connected with the formation of such a constitution. He thought the House and the hon. Gentleman would give the two Governments credit, at least for good intentions, when he said that those instructions and that advice had been influenced by the purest motives and the sincerest wishes to establish in Greece a popular representative and constitutional government, combined, at the same time, with such institutions as should secure the existence of a limited monarchy. He thought that the correspondence which he meant to lay before the House would fully prove the truth of this assertion. But he should feel exceedingly unwilling to lay before the House at present any correspondence with regard to the details which are now under consideration. He thought we ought to be very cautious how we dictated to a free people any thing with reference to their government. He thought that the mode in which the National Assembly and the constituted authorities of Greece were proceeding, was calculated to inspire and was deserving of public confidence, and that we could better depend on those institutions which might be established by their own free-will, after full deliberation, and free discussion—he thought that institutions so established would be more likely to be permanent than if they should appear to have been unduly influenced by the dictation, or even the advice of foreign powers. He would mention one single circumstance to show how important it was for him, in the position in which he stood, not to be premature in offering opinions or communicating papers with respect to the matters, now under discussion in Greece. If the hon. Gentleman had at four o'clock to-day, (it was a little after five when Sir R. Peel said this) asked him what was the decision of the National Assembly of Greece as to one of the points under discussion, namely, the duration of the tenure of office by members of the Council, he should not have been able to inform him. He was now, however, able to say, that accounts had been received from Greece in the course of the present day reporting the result of the discussion on that measure. A division had taken place upon it, in which the number were equal, ninety-eight being for the limitation to ten years, and ninety-eight for its extension during life. Another division however, was expected on the next day, which might have a material bearing on the question. Now, he thought the House would see, that while this subject was absolutely under the consideration of the constituted authorities of Greece, it would be extremely unwise for the British House of Commons to enter into any debate or discussion upon it. He, therefore, deprecated the continuance of the discussion on the present occasion; there would be plenty of opportunities for free discussion and the free expression of opinion, without prejudicing the subject by a premature consideration of it. As he had before said, he would be happy to give the hon. Member the communications made at the commencement of the proceedings—communications which he was satisfied would show the dispositions of the British and French Governments, and satisfy the House that they had done that which was becoming in them, and calculated to induce the constituted authorities in Greece to secure the blessings of free institutions, together with a limited monarchy. With respect to what the hon. Gentleman had said on the subject of the loan, he (Sir R. Peel) must be excused for at present declining to answer. Whatever might have been felt at one time as to the expediency of insisting on the repayment of the loan, he felt that the House would agree with him that those considerations would not apply to a people who were passing through such a crisis in their affairs as that which was taking place in Greece, and he trusted the House would rest assured that every attempt would be made, on the part of the Government, to reconcile the duty which they owed to this country as the guardians of the public purse, with what they felt due to a country placed in such a position as that which Greece now occupied. In conclusion, he begged to inform the hon. Gentleman, that in the course of a week or ten days he would be prepared to lay on the Table such portions of the public correspondence on the subject of Greece as it would be consistent with his duty to give.

Viscount *Palmerston* said, that undoubtedly the answer of the right hon. Baronet at the head of the Government, to the speech of the hon. Member for Bridport was more encouraging and satisfactory than the state of the Treasury Benches when the hon. Gentleman began his speech would have led the House to expect. [Sir *R. Peel:* How so?] Because there was nobody present on those Benches. But he thought, under the circumstances, that the statement of the right hon. Baronet was satisfactory in regard to the Motion. He was glad that the right hon. Gentleman was prepared to give the papers asked for by the hon. Gentleman, and he thought that the right hon. Gentleman was justified in claiming to exercise a discretion as to the selection which he should make of Papers forming part of a correspondence still going on, and involving points of great delicacy, affecting the feelings of another and an independent nation, in regard to the details of the constitution they had under deliberation. He trusted, however, that the right hon. Gentleman would give as large a selection from the correspondence as he could consistently with the present position of the affair, and the feelings of the people of Greece in regard to it. He concurred with the hon. Member for Bridport that the change which had lately taken place in Greece did not amount to a revolution, but was only a measure taken for the assertion and maintenance of rights which had been conceded to the Greek nation by Treaty; therefore, the manifestation made by the Greek nation, could not with propriety be called a revolution. Their conduct during that event, in his opinion, did them the highest honour. Persons had been in the habit of saying that the Greeks had been so many centuries under slavery and oppression, that they were not yet fitted for the enjoyment of a constitutional form of government. The event had proved how undeserving they were of that opinion. Greece had by her acts given a convincing disproof to such notions, and had afforded an evidence of the soundness of the position that all nations were fitted for the enjoyment of a constitutional Government if it were given to them; and for his part he believed that if any nation should be found not fit for constitutional Government, the best way to fit such nation for it would be to give it them; but if nations were to wait until the enemies of popular institutions pronounced them fitted to receive them, he feared they would have to wait long enough. Nothing could be more honourable to the Greek nation than the mode in which they had brought about the establishment of their constitution; and he thought, also, that the conduct of the King of Greece, during this trying state of things, had been infinitely honourable to him. Many people had thought, knowing the repugnance which he had evinced to a popular constitution, that His Majesty would have endeavoured to have escaped from the practical adoption of that constitution which had been forced upon him; but, on the contrary, he appeared to have acted throughout with the utmost sincerity and good faith in so fulfilling the engagements which he had entered into with the Greek nation in September last. He sincerely hoped, that both His Majesty and the Greek people would continue to follow up what was then done in the same spirit. He agreed with the right hon. Baronet that great delicacy and discretion ought to be exercised by the Governments of France and England in any advice they might think it right to offer to the Greek nation in regard to the details of their constitution. Although he admitted that they might advise, yet the utmost forbearance in advising ought to be shown. But he agreed with the hon. Member for Bridport, that the attention of those Governments ought to be directed to that article in the Greek constitution which provided that the Sovereign should be of the Greek religion. It was settled by the Treaty of 1832, that if the succession should fail in the line of King Otho, the Crown should pass to his younger brother Leopold, and to his male descendants. Now, these princes would of course be of the Catholic religion, and, therefore, this article of the constitution would, in such a case, become incompatible with the Treaty of 1832. He trusted he should not be told that this incompatibility might be got over by the adoption of the Greek religion by the Catholic successor to the Throne of Greece. He trusted that neither England, nor France, nor the Greek people, would expect that a person brought up in one religion, should change it merely to mount a throne. Upon this ground it would be inconsistent with the treaties by which the succession to the Throne of Greece was regulated to ratify that article of the constitution. But there was another objection to this article, collateral and contingent; for if all the branches of the House of Bavaria should fail, and if that article which required the Sovereign to be of the Greek Church should remain in force, where would the Greeks be obliged to go to find a successor to the Throne? They would be driven to the Royal Family of Russia, one of the three parties to the alliance by which the independence of Greece was established and it was a fundamental condition of that alliance that neither of the three Royal Families should give a sovereign to the Throne of that country. It was one of the fundamental principles upon which the union of the three contracting parties was based, that Greece should be made independent of all and each of these three Powers; therefore it was another objection to this article of the constitution, that it would in a possible contingency drive the Greeks to choose a successor from the Family of one of the contracting parties to the Treaty. He trusted, therefore, the Governments of England and France would use the influence they were entitled to exercise to obtain a modification, of this article. He was glad to hear the testimony that had been borne by the hon. Member for Bridport to the conduct of that distinguished officer and diplomatist, Sir Edmund Lyons. Throughout all the transactions in which that officer had been engaged in Greece, his conduct had been equally honourable to himself and advantageous to the country. He felt particularly gratified at this, because that gallant officer had been appointed to this diplomatic post by the Government to which he had had the honour to belong, and they had appointed him, he was aware, under considerable responsibility. Though Sir E. Lyons had previously distinguished himself as an able naval officer, he had never before been engaged in the diplomatic service. He was glad that the result of that appointment had justified the opinion of the Government as to the gallant officer's abilities, and that he had acted not only to the satisfaction of the Government which had appointed him, but also to that of their successors. In conclusion, he could only again say that he was glad that the right hon. Baronet had agreed to give the papers moved for, and he thought that the hon. Member would exercise a sound discretion in leaving the Government to make such a fair selection as they considered might be presented to the House, without detriment to the interests of the public service.

Sir *R. Peel* begged, after what had fallen from the noble Lord, to say a few words in explanation. He trusted that the House would not draw any inference from his silence on particular points of the Greek constitution. The religion of the successor to the throne of that country was a point that had not escaped the attention of the Government. It had occupied its full consideration, but he believed the noble Lord would concur with him in considering it to be one of those points upon which it would be unwise to enter into a discussion at the present moment. He was sorry that he had not been present at the commencement of the speech of the hon. Member for Bridport, or he should have been happy to have borne his testimony to the admirable conduct of Sir Edmund Lyons, in the important duties which had been entrusted to him. The noble Lord took credit to himself, and justly so, for the appointment of Sir Edmund Lyons; but he hoped that the noble Lord would admit that the present Government was entitled to some credit for having retained in office that gallant officer, and reposed in him that full and entire confidence to which he was entitled. It was an honour to the profession to which he belonged that the gallant officer had discharged his duties with such discretion, fidelity, and ability.

Sir *Howard Douglas* entirely concurred with his right hon. Friend, the right hon. Baronet at the head of Her Majesty's Government, that it was extremely unwise for the British House of Commons to enter into any debate or discussion upon the details of the proposed Constitution of Greece, whilst that subject was under the consideration of the constituted authorities of that kingdom; and, though possessed of ample materials, he (Sir H. Douglas) would reserve himself for future discussions upon the affairs of Greece, and abstain from giving any opinion in detail as to the merits and tendencies of the new Constitution, until it shall have been completed. All he would say in the mean time was, that he entertained no very favourable expectations of a wholesome result from a movement which had commenced with one of those military pronunciementos of which we have lately heard so much, and which have produced such disastrous effects elsewhere. He (Sir H. Douglas) would therefore confine his observations to one most important, and most decisive circumstance, which entirely forbade every expectation that the present movement in Greece would effectuate what the Greek people fought for in their revolution, and which the whole civilized world desired they might accomplish, namely, their entire and absolute independence, spiritual as well as temporal. He (Sir H. Douglas) concurred with the noble Lord the Member for Tiverton in the opinion he expressed, and the apprehensions he entertained, as to the probable consequences of that article of the Greek Constitution, which provided that all future sovereigns of Greece should be of the Greek religion. But the noble Lord did not refer his objections to what was, in fact, a primary and a decisive step in that direction, leading inevitably to the result which, in the event of King Otho having no children, the noble Lord had indicated; and which, taken altogether, he (Sir H. Douglas) had a very strong impression exhibited what the main spring was, of the action of those, who had been mainly instrumental in bringing about the late movement at Athens. The great object of the Greek people in their memorable revolution, and for the accomplishment of which the civilized world felt most anxious for their success, was, that they might not only acquire political independence, but their complete spiritual separation from the Patriarchate of Constantinople. This was accordingly provided for, at the elevation of King Otho to the throne of Greece, by solemn acts, copies of which he (Sir H. Douglas) held in his hand, namely, Protocols of the meetings of the Prelates, convoked at Nauplia, for the purpose of declaring the entire independence of the Church of Greece; and a solemn act, decree, and proclamation, of the entire independence of the Hellenic Church, the first article of which declares, that the Orthodox Eastern Apostolic Church of the Kingdom of Greece acknowledge no Spiritual Head, but the Founder of the Christian faith, our Lord and Saviour Jesus Christ. Now the second article of the proposed Constitution, rescinds that declaratory act, so far as to declare, that the Greek Church, instead of acknowledging no Spiritual Head but our Saviour Jesus Christ, is inseparably united with the Great Church of Christ in Constantinople. The noble Lord must be well aware of the serious inconvenience and dangers that have resulted, and must result from the Spiritual influence of the Patriarch of Constantinople, in connection with certain temporal Powers, extending over and interfering with the internal affairs of independent states. When the Ionian Islands came under British protection, it was a great omission not to separate the Ionian Church from the Spiritual Dominion of the Patriarch of Constantinople, as effected with respect to Greece, by the documents to which he (Sir H. Douglas) had referred. And he would prove the dangers that must result to Greece from the alteration now proposed, according to the new Greek Constitution, by adverting to the serious and dangerous interferences of the late Patriarch of Constantinople with the internal affairs of the Ionian Islands, and the obstructions thus interposed to the improvements and ameliorations in the laws and internal affairs of the Ionian Islands, proceeding under British Administration. So dangerous did the intrigues of the Patriarch become, from the exercise of this spiritual influence, under that of the temporal Powers with which it was connected, that the noble Lord, the Member for Tiverton, then Secretary of State for Foreign Affairs, found it absolutely necessary to instruct Her Majesty's Ambassador at Constantinople, a noble and distinguished personage, of whom he (Sir H. Douglas) would speak in terms of the highest respect and regard, and with a strong sense of the ability and vigour of that noble Lord's conduct, to demand the deposition of the Patriarch, as the only way of averting the very serious evils that must have ensued, had that influence not been effectually counteracted. So, unquestionably, will it be, if that influence does not remain effectually excluded from interfering in the affairs of Greece. And he would fearlessly say, that all the blood which has been shed in the cause of Greek freedom, will have been shed in vain; all the expectations entertained by the British people in particular—all the great objects of the Powers which mainly brought about the independence of Greece, will be disappointed, if the Church of Greece be restored, in any degree, to spiritual subjection to the Patriarch of the Turkish capital. The noble Lord had clearly pointed out what would happen, in the event of King Otho dying without an heir, or the Crown becoming vacant. The proposed Constitution provides another vehicle for facilitating this, by the article, which, in such events, makes the monarchy elective; and, as the noble Lord has well said, there is but one royal family, from which a Prince could be selected, in whose person and persuasions all these foreboding Articles, relating to religion, in the new Constitution, may be accomplished.

Sir *R. H. Inglis* certainly thought it was desirable, that the Church of Greece should be entirely independent; but he did not think it was convenient that the House should discuss the details of the Greek constitution at a moment when they were under deliberation by the constituted authorities in that country. He could not agree with the noble Lord the Member for Tiverton, in the sweeping proposition which he had enunciated, that in any country whatever, even China or Japan, it was only necessary to introduce free institutions in order to fit the people for their enjoyment. He thought this was a proposition which, coming from the authority which it did, should not be tacitly assented to by the House. He thought, that without previous cultivation and preparation, the sudden introduction of free institutions amongst nations generally would only lead to increased barbarism, and eventually to actual anarchy. With respect to the appointment of Sir Edmund Lyons, looking at the conduct of that gallant officer, which had been most excellent throughout, he was prepared to say that no appointment had ever been made by the noble Lord which was so wholly unobjectionable. In his opinion, Sir Edmund Lyons was entitled to represent England and its interests, not only on account of the diplomatic abilities which he had displayed, but from his having throughout united the high character of an English gentleman with that of an eminent officer. The noble Lord had said that Greece was entitled to claim a constitution. More than that, the King himself had ten years ago promised to give a constitution, and it was by virtue of that pledge he continued to govern that fine and glorious country. Yet he believed that a grosser system of tyranny had been exercised in that country during those ten years than in any other country in Europe for a century. He would not stop to inquire whether what had happened on the 15th of September were worthy of the name of a revolution, but it was of such a nature as to recommend anything even bearing that name to him. He could not go along with his gallant Friend near him (Sir H. Douglas) in saying that it was merely a military movement. He believed the revolution was prepared by the scarcely endurable despotism of the King, and that the soldiers shared, but did not lead the feeling of the country.

Sir *H. Douglas* explained, that what he said was, that the movement in Greece, commenced with a military pronunciemento; and he thought no good could come of that. The gallant General concurred most cordially, in the respect and esteem, in which Sir Edmund Lyons was most deservedly held.

Mr. *Cochrane*, in reply, said that he did not for a moment imagine that the absence of the right hon. Gentleman at the commencement of his observations had arisen from any disregard of the interests of Greece; but he at the same time regretted that the right hon. Gentleman was not present during the whole of his speech, as there were some other points which he thought the right hon. Gentleman would have replied to. But, at all events, he was delighted to find that the attention of the right hon. Gentleman had been called to that article of the Constitution which referred to the religion of the successors to the throne of Greece, and also that he bore such ample and honourable testimony to the ability of Sir E. Lyons, who, he believed had not once left Athens since his appointment by the noble Viscount, now nearly ten years since. The gallant Officer behind him (Sir H. Douglas) had called this a military movement in Greece. It was, on the contrary, the unanimous movement of a free people. As for what the gallant Officer said about waiting for the ratification of the Constitution by the King—however valuable the gallant Officer's opinion might be—it would never be too late for him to give it. He regretted his right hon. Friend near him (Sir R. Inglis) had alluded to the King's past conduct. Whatever that might have been, he had behaved admirably since he had accepted the Constitution. As for the loan, he thought every possible delay should be given to the nation under the circumstances of the case. He did not think it necessary to divide for the papers, as the right hon. Gentleman had promised to exercise a large discretion. He trusted the term "large" applied to the number of the papers which were to be laid on the Table.

Motion, as qualified by Sir R. Peel, agreed to.

CRIMINAL JURISDICTION IN THE LEVANT.] Mr. *Monckton Milnes* rose pursuant to notice, to call the attention of the House to the present state of Criminal Jurisdiction over British subjects within the dominions of the Porte. Within these dominions a considerable number of British subjects resided; Maltese and Ionians principally, and a few Englishmen. The Maltese being totally dependent on the coasting trade they carried on with the Levant and the opposite coast of Africa, the consequence was that many of them had settled in and formed a large portion of the population of Smyrna, Beyrout, Constantinople, Tunis, Tripoli, and Alexandria. There were no means of calculating accurately the number of Franks resident in those places; but he believed he was not overstating the fact when he said that in Alexandria alone there were 2,000 Maltese British subjects; 2,000 in Constantinople, and 1,500 in Smyrna; and such was the anomalous state of the law, that murder or any other crime might be committed by any of these people almost with impunity, for there were no means of bringing them to punishment. We had, in fact, thrown this large number of British subjects into the dominions of the Porte without providing any consular code of laws for their government, and for the punishment of crime. It might be supposed they were subject to the laws of the country in which they resided, but that was not the case, and certainly when they remembered that the Turkish law was almost purely ecclesiastical, and regulated by the Koran, it would be most unfair and unjust to commit Christian settlers to its jurisdiction. Accordingly from the time of Charlemagne downwards, in every treaty entered into with the Porte and Christian countries, it had been expressly provided that the Christian subjects of those countries should be independent of the Turkish law; and in all our treaties with the Porte we had insisted on the abstraction of our subjects from the jurisdiction of the Turkish tribunals. But though we had insisted upon this, and on vesting in criminal cases the whole jurisdiction in the Consul of the Christian nation to which the Christian criminal belonged, strange to say we had left our own Consul without the power of taking cognizance of such crimes. On the contrary, when the Consuls had exercised some authority, and imprisoned refractory seamen, they were threatened with proceedings in this country for false imprisonment. And in some instances these Consuls felt it necessary to remain voluntary exiles from their country, fearing the liability which, for having interfered to repress or punish crime in British subjects residing in their respective consulates, they were subject by the law as it now stood. He would state an instance of the defective state of the law. A very atrocious murder had been committed at Smyrna by a Maltese upon a Dutch woman. Application was made to the British Consul to bring the criminal to justice, and he wrote to the Foreign Office for instructions. The case was referred to the Law Officers of the Crown, and they reported that, as the law stood, the only mode of dealing with the culprit was to send him to England to be tried at the Central Criminal Court. To do this, it was necessary not only to bring the guilty party, but several witnesses to substantiate the case against him; and the House would see that to bring that man to trial for his offence, must have cost a very large sum to the country. Again, in the case of any injury being inflicted by an Englishman on a Turkish subject—though, according to the letter of the stipulations of certain treaties, he might be given up to be judged by the Ottoman courts, those stipulations were overruled in practice, and under no circumstances of criminal cases were English subjects submitted to the jurisdiction of the Ottoman courts, at least in the countries immediately under the jurisdiction of the Sultan. For a long period this was the anomalous position of the law; but in the course of the last Session of Parliament a Bill had been passed which gave to the Government full powers of remedying the evil, if they chose. He alluded to the Foreign Jurisdiction Bill. Lord Aberdeen, in writing to the Consuls in the Levant in reference to that Bill, informed them that by it they were relieved from those consequences in this country, on account of acts done by them in imprisoning refractory seamen, to which they had been previously subject; but giving no instructions—no suggestions to govern them as to the future, and providing no remedy for those great evils which he had described. He would mention another case as showing the insufficiency of the powers with which the Consuls were vested, in regard to lesser criminal matters. Mr. Larkin, the Consul at Alexandria, had informed him that on his return to that place, after a short absence, he found that one of his servants, a Maltese, had during his absence sold all his wine and plate. The man had not absconded, and upon being threatened, told Mr. Larkin that he knew very well that he could do no more than get the consul to imprison him for a week or two below in his dining-room. As he had said, the Government, knowing the necessity of the case, obtained a Bill from Parliament last year, and had subsequently issued an Order in Council informing the authorities that that Bill had passed, but they had taken no steps to carry out the objects in view, and had left an evil, which was a disgrace to any Christian country, precisely in the state in which they had found it. Under these circumstances he felt it to be his duty to move an Address to the Crown upon the subject, and he hoped the House would show its sense of the evil, and its conviction that a remedy should be applied without delay, by agreeing to the Motion with which he would now conclude—

> "That an humble Address be presented to Her Majesty representing to Her Majesty the present anomalous state of Criminal Jurisdiction over British subjects within the dominions of the Porte, and praying that Her Majesty will be pleased to establish with as little delay as possible, some such Jurisdiction as shall protect the lives and property of Her Subjects in those countries, and remedy the lawless disorder resulting from the absence of any such Jurisdiction."

Mr. *G. W. Hope* said, as he had brought in the Bill to which his hon. Friend had referred, perhaps he should be the best able to reply to his observations. He concurred with his hon. Friend as to the evils which had formerly existed, but those evils the Bill of last year had been brought forward to remedy. His hon. Friend had not noticed the fact that, notwithstanding the complexity of the Maltese law, there was yet a jurisdiction which could take cognizance of criminal acts, known by the name of the Custom of the Levant. That custom had been for a long time in operation in the East; it was known and recognised. The only doubt was as to its legality—and that custom had been legalised by the Bill of last year, and by the Orders in Council which, in consequence of that Act, were issued on the 2nd of October. That Custom in future would be legalised by the Order in Council, so that this branch of the complaint was completely met. The next complaint was, the expense incurred in bringing criminals here, the necessity of obtaining voluntary witnesses, and of paying their expenses; and his hon. Friend, alluding to a particular case, asked why provision had not been made for trying that criminal at Malta? But no such provision could have appeared necessary till the case arose. And when his hon. Friend asked what was legalised, his answer was, that what was legalised was well known, and it might as well be asked of him what was the common law of England. The code of the Levant was a similar code to the common law code of England; and it did not follow that because it could not be strictly defined here, that those who were accustomed to administer it did not understand it. It extended not only to civil but to criminal cases, and came daily before the Consuls abroad. His hon. Friend did not see why this law should not have been codified, and why the full machinery of Government should not have been put into play to carry it out, as soon as the Act to which he had referred passed. But the fact was, that questions of great technical difficulty had arisen—questions which had been referred to the law officers of successive Governments,—and there was the greatest difficulty in reconciling the maintenance of the liberties of British subjects, combined with a due control over their excesses and their crimes in all parts of the world, with the very summary jurisdiction exercised by the Oriental and despotic States, and by some barbarous nations; and the only way occasionally to deal with it appeared to be to place the parties under the absolute control of the Representative of the Crown. The powers of the Consuls and the powers which the House had entrusted to the Government must be exercised with the greatest responsibility. It would be extremely difficult for that House to legislate on the question—it was equally difficult for the Government then to issue Orders in Council which were to stand in the place of legislation; and until Parliament had lately granted very extensive powers to the Crown, it was difficult to take any step at all. After obtaining those powers, before hastily and in ignorance proceeding to legislate, it was requisite to obtain a full statement of the laws and customs prevailing in the various parts of the world which would be affected by that Act. His hon. Friend complained that no legislation had taken place; but he did not, and could not, complain that the materials necessary to found that legislation had not been asked for. The Government had taken the only safe step, by requiring and obtaining full information as to the laws and customs already existing without which they could not draw up any code, or legislate with any effect.

Dr. *Bowring* observed, that according to the confession of the hon. Gentleman who had last spoken, the state of things in the Levant at the present time was most unsatisfactory. Nothing could be less defined than the "customary law" which prevailed in the Levant. The customary laws of one locality differed widely from those of another. Those of Smyrna were as different from those of Alexandria as those of Alexandria were from the laws of Aleppo. The administration of these laws in each locality differed more widely still. Some Consuls had doubts as to their powers, were perplexed and embarrassed in the administration of their authority, feared to give due protection, and left the complaints of British subjects entirely without redress; whilst, in other cases, Consuls exercised their power with a most despotic and an almost intolerable authority. What was really wanting was a code, a simple code of laws, and an easily accessible Court of Judicature. He had understood that the Government intended to send out a Commissioner to inquire into the state of the regulations and laws at present subsisting, and he much regretted that they had not put that intention into execution. He thought it would be advisable to carry out that plan in order to obtain the best information, and he again strongly urged that no time should be lost in establishing some sort of judicial jurisdiction.

Sir *Robert Peel* apprehended that there was no real difference between his hon. Friend the Member for Pontefract and the Government upon the subject before the House. He considered the state of the law relative to British subjects in the Levant to be most unsatisfactory. But he must say that he believed that one of the chief causes of the difficulty in providing a remedy had been that tenderness which a British Minister must ever feel as to interfering with the forms of our criminal jurisprudence. They were not in this respect dealing with British subjects, in the strictest sense of the word, but with Maltese and Ionians, who had been included in the term, and who were not bound—and this much increased the enormity of the evil—by those moral considerations which generally influenced British subjects, strictly so called. The crimes committed were frequently of the most atrocious character, and cases often occurred in which the severest penalties of the law should have been inflicted. There had, indeed, been crimes committed by British subjects in the ports of the Levant which would have fully justified the infliction of capital punishment. But, to give proper effect to such punishment, it should be inflicted on the spot where the crime had been committed. The trial ought also to take place there; but he thought that a British Government was justified in pausing before they committed to a Consul—to one man—frequently unacquainted with legal subjects, and without the aid of a Jury, the absolute power of passing sentence of death. That was one of the difficulties which did for a long time, and which did still exist. In the case of a murder committed at Rhodes, where was the use of bringing the criminal to Malta, and trying and executing him there? The execution ought to take place where the crime was committed; it added to the repugnance which they naturally felt at running a man up to the yard-arm, at a place distant from that in which the crime was perpetrated, and long after its commission, when they reflected that the example would not produce that benefit which might, under other circumstances, be expected to arise from it. Let them depend upon it, too, that if any single act of possible injustice should be committed in the name of the law, the example of the Government of England in tolerating such a system would be productive of the most prejudicial effects. It would induce other Governments to act upon the same principle, and to discard those securities for human life which the English law was careful to throw around the prisoner. But he was willing to admit that the subject required consideration, and he could state as a fact that two days after the Bill referred to became law, his noble Friend the Foreign Secretary addressed a despatch to Sir Stratford Canning, enumerating the objects to be considered in the appointment of Assessors to aid the Consuls at different parts in the execution of their duties; stating the various difficulties which presented themselves, and which it was yet necessary to overcome, and requesting him to give his opinion upon various matters connected with the subject. As no answer was for some time received to that despatch a second was sent, and in the course of a few weeks at farthest from the present time he apprehended that they would receive from that most intelligent and competent judge, who had himself frequently represented the unsatisfactory state of the law at present, that answer to the communications made to him which might be most important, as enabling them to decide upon the course the most proper to be adopted. He deprecated undue haste in acting with reference to this matter. Ample consideration would be given by Government to the subject; but it was better to use great deliberation in the formation of a code reducing to enactment that which depended on custom and usage. But by acting with too much precipitation, they would be afterwards compelled to make changes in any regulations which might be introduced. He hoped that he had said enough to show that the subject had occupied the attention of Her Majesty's Government. They were deeply sensible of the extent of the evil, and when they could frame such a code as it might be suitable and fitting that this great country should establish, his hon. Friend near him and hon. Gentlemen opposite might depend upon it that no time would be suffered to elapse ere it was put into execution.

Viscount *Palmerston* agreed with the right hon. Baronet as to the great importance of the subject, and he could say, in corroboration of the right hon. Baronet, that if no satisfactory arrangement had been made by the late Government, it was not in consequence of the subject not having occupied their most anxious attention. They had referred it to their law-officers, who bestowed upon it their most deliberate consideration, but they were unable to suggest any practical measure which the Government thought it expedient to adopt. When the law-officers were asked to form a code for the guidance of consuls in the Levant, they replied that this would be to codify the laws of England. It was a Herculean task, which, if undertaken at all, should be undertaken for the use of the kingdom at large. The right hon. Baronet had stated one great difficulty incidental to this matter—the impolicy of executing a criminal at a distance from the place where his offence was committed. By so doing all that was advantageous in capital punishment was lost—the very grounds on which its expediency was founded disappeared. The capital sentence of the law was not inflicted so much as a punishment to the individual, as for a warning to deter others. And if a culprit were to be executed at a great distance from the place where he committed his crime, and in another country, almost all the benefit of example would be lost. Well, then, again—there was a great difficulty as respected trial. It was very difficult, in most instances, to establish upon the spot where the offence was committed a Tribunal satisfactory to our notions of justice. A Jury could not always be empannelled, nor could a Judge be found possessed of sufficient legal knowledge. As to the remedy proposed by his hon. Friend the Member for

Pontefract—namely, that the trial should be conducted by means of affidavits—a practice adopted in numerous continental countries—that a man should be tried for his life at Malta upon affidavits made by witnesses who were remaining at Smyrna—that was a proceeding so utterly repugnant to the practice and notions of this country, that he was sure the British public would never acquiesce in the infliction of capital punishment in pursuance of a condemnation founded upon such evidence. By such a course of procedure, they would divest the accused person of the security afforded by the *viva voce* examination and cross-examination of witnesses. Then, again, as to persons having held consular offices, who were stated to be kept out of the country by apprehensions of prosecution for false imprisonment, he must say, although he was only speaking from recollection, that he believed there had been cases in which the powers of consuls had been exerted in a somewhat arbitrary manner, in which imprisonment had been inflicted, when the circumstances had not justified its imposition; and if he was not mistaken, it was the apprehension of legal proceedings for such overstrained exercise of power, that prevented the individuals alluded to from returning to this country; and even if the power of the consuls were to be better defined and legalized, still in any case of an excessive and unjustifiable exercise of such power, the functionary so misconducting himself would be liable to answer for acts before a tribunal of this country. He must admit, that the whole subject was environed by difficulties; but he thought that the Government had taken the right course in relation to them. The power which Parliament had given the Government was the most expedient mode of coming to a good arrangement, and he thought that the steps which they had taken were in the right direction. The House must feel obliged to the hon. Member for introducing the subject to their notice, but he must say, that Government was not justly chargeable with undue delay. It seemed to him, that they had acted with that prudence and circumspection which the importance and the difficulty of the subject required. He hoped that the inquiries which they had instituted would lead to some satisfactory arrangement.

Mr. *M. Milnes* replied, that with reference to what had been said as to punishing offenders without all the formalities of the English law, he thought that was better than to allow crime to remain unpunished. Great objections had been made to the system of trial by affidavit, but other nations had adopted it; and if Englishmen did not approve of it, the Maltese had no objection. When he regarded the kind manner in which the right hon. Baronet at the head of the Government had taken the suggestions which he had thrown out, and the satisfactory reasons which he had given for the delay which had taken place in carrying the Bill passed last Session into practice, he would not press the Motion to a division.

Sir *R. Peel* remarked, that although they might be entitled to try a Maltese at Malta, according to the laws existing there, yet he would not try a Maltese at Smyrna by a new and different system. He should protest against making any distinction between an English and a Maltese offender. It would be no answer to say that the Maltese had no objection to be hanged on affidavit. He should not consider it worthy of a Government to establish such a distinction, in foreign jurisdiction, between a Maltese and an Englishman.

Motion withdrawn.

Duelling.] Mr. *Turner* rose for the purpose of moving the following resolution:—"That Duelling is immoral in its tendency; that it brings into contempt the laws of the country; is contrary to divine command; and ought to be abolished." He most sincerely regretted that the Government had not given to the question he put to them some time ago such an answer as would have rendered this Motion unnecessary. He had, indeed, hoped, from what had passed in another place, when a noble Lord moved an Address to Her Majesty in answer to Her Most Gracious Speech, that the Government would have taken this subject under its own protection, and have brought in a measure for the effectual suppression of Duelling. In 1713, in consequence of the Duel between the Duke of Hamilton and Lord Mohun, which had proved fatal to both, a Bill was brought into that House to restrain such contests; but, although it was recommended by Her Majesty, it was lost on the second reading, and no other measure had been introduced. The right hon. Baronet at the head of the Government on a former occasion told the House that he was disposed to do everything to suppress the practice; but he (Mr. Turner) very much lamented that the right hon. Baronet, with the great power he possessed, had stopped short of doing the good which he had the means of effecting. The new regulations which had been mentioned referred only to the army; but civilians ought to be dealt with as strictly as officers in Her Majesty's service, and he hoped that there would not be much difficulty in so simplifying the law as to make it understood, and consequently obeyed. He was not aware of any law upon the Statute-book, or any document under the sanction of the Government, certainly none under Scriptural sanction, which said that Duelling was lawful in any shape; and, therefore, if authority could not be found for its toleration in society, then, as a Christian House of Commons, they were bound to look out for some remedy against it. It was said the other day by an hon. Member, that Duelling had been created by public opinion, and that public opinion would destroy it; but public opinion was a plant of very slow growth. Any Act, however, of the present Government would not have the same difficulty to contend with, it would be quick and effectual, and greatly would it tend to the honour of the Government to bring in a law, brief in its object and positive in its effect. He should not despair of seeing the Government propose a measure that would be satisfactory to the country. What did that eminent writer Paley say on the practice of Duelling?—

> "Murder is forbidden; and wherever human life is deliberately taken away, otherwise than by public authority, there is murder. The value and security of human life make this rule necessary; for I do not see what other idea or definition of murder can be admitted, which will not let in so much private violence as to render society a scene of peril and bloodshed."

That was language the force of which all the eloquence of the right hon. Baronet would not be able to remove. There was a curious document in reference to this subject, which he would just mention to the House; it was a document written by Colonel Thomas, dated the evening before the Duel in which his life was sacrificed. He said,—

> "He was seriously opposed to duelling; it neither proved a man a gentleman nor brave; nor did it give satisfaction for insult; almost any man could raise physical courage enough to fight a duel, but few, alas! possessed sufficient moral courage to stem the tide of public scorn."

Turn wherever they might, and read whatever they would, nothing stared them in the face but the extent of this great calamity. In the churchyard of the little village of Charmouth, in Dorsetshire, there was a tombstone raised to the memoryof an officer, who, after having been preserved through eighteen engagements in the service of his country, had fallen the victim of Duelling. But means had of late been taken to abate the practice, and the public who were not perhaps so fully aware of the fact as they should be, ought to know that there was a society which had done great honour to itself, because it was composed of officers of high rank in the Army and Navy, and civilians also of high station, instituted for the purpose of suppressing Duelling. This Society was composed a short time since, of 349 members; among these gentlemen, were 13 Admirals, 67 Field-officers, 36 Captains in the Army, 32 Captains in the Navy, 17 Lieutenants in the Navy, 31 Noblemen, 141 civilians, 16 Members of that House, and, he regretted to state, only one Clergyman of the Church of England. The noble Lord (Lord R. Grosvenor) informed him that the Clergy had not joined the Society for particular reasons. Such a Society ought not to be, and could not be, long hid from public notice; but he had conversed on this subject with twenty Members of this House who were ignorant of the existence of such an Association, and he believed that very few hon. Gentlemen were aware of its establishment. The gentlemen who composed that Association were eminent for their high moral character. Hon. Gentlemen would readily admit that such men as the noble Lord, the Member for Dorsetshire (Lord Ashley) the hon. Member for Oxford University (Sir R. Inglis), who were not now present, the noble Member for Chester (Lord R. Grosvenor), and the hon. Member for Hertford (Mr. Cowper), who had the manliness to state the other evening in that House, that nothing would induce him to accept a challenge—would not connect themselves with any association whose object was not most praiseworthy and beneficial. He was aware that the authorities which might be brought against him, in support of the practice of duelling, were such as would have great weight in some quarters; but he would make a statement of facts which could not be controverted. It had been stated by Her Majesty's Government, that they found it extremely difficult to frame a law for the suppression of the practice of Duelling; but it had not been difficult in former times, and in other countries, to abate this nuisance. Measures had been taken in other countries which, if adopted in this, would sooner or later, and he believed very speedily, put an end to the practice. If in this country a duellist were convicted of murder, the punishment inflicted by our laws was, he conceived, far too severe; and, in consequence of this excess of punishment, Juries were very unwilling to convict parties of such offences. Not many years ago capital punishments were abolished in the case of an offence then very common in this country: he alluded to forgery. A very strong feeling was manifested by the nation against the application of so severe a punishment to offences of that class; capital punishment was abolished, and a much milder punishment was substituted. He thought a similar course might be very advantageously adopted with respect to Duelling. He conceived, that not only ought parties to be punished who engaged in such encounters, when a fatal result ensued, but that provision should be made for the punishment of all persons who sent or accepted challenges. He had strong reason for believing that the general feeling of the people of this country was favourable to the entire abolition of the punishment of death in cases of fatal duels; and he conceived that a measure to effect this object would be attended with most salutary effects. Juries would no longer hesitate as to the verdict they should return; Judges would be relieved from the painful duty which, in cases of this nature, they might now be called upon to perform, and which to them must be extremely distressing; and offences of this kind would be certain to meet a just measure of punishment. He wished that Her Majesty's Government would take this question into their most serious consideration—whether an alteration of the severe punishment now attached to Duelling, might not be most beneficial. He would venture to assert, that a course which, in the case of forgery, had tended to a material diminution of offences of that class, would effect the same results in the case of Duelling. His opinion was, that when convictions took place for Duelling, the capital punishment should not be imposed, except where parties fought without seconds, and then he conceived the extreme punishment would be justifiable. The public at large had a duty to perform with relation to this subject; and, unless they took some means to put the Government in possession of their sentiments on the question, it was next to impossible for the exertions of hon. Gentlemen in that House to be successful. He did not allude exclusively to the religious communities; for one great advantage in mooting this question was, that it was entirely unconnected with sectarian or party feeling. But he would call the attention of the House to the nature of the laws which had been enacted in other countries for the suppression of Duelling. By the law of Switzerland, any person who killed another in a duel, became liable for the debts of the deceased. He was sanguine enough to believe that, in high life, in this country, even the adoption of such a law as this would produce a most excellent effect. The law of Switzerland also provided that an action should lie for damages against the nearest of kin. In 1752, the Emperor Joseph—and to this he called the special attention of the right hon. and gallant Officer (Sir H. Hardinge)—declared, "I will not suffer Duelling in my army; I despise the maxims of those who pretend to justify it, and who kill each other in cold blood." These observations referred to a case in which two officers had fought a duel; and the Emperor proceeded—"Let a court-martial try these officers, and examine the subject of their quarrel; and let him who is guilty submit to his fate, and to the rigour of the law. I am resolved this barbarous practice shall be suppressed and punished, should it cost me half my officers," It was somewhat extraordinary that the right hon. and gallant Officer had applied to the practice of Duelling the very same term that was used by the Emperor—he had characterised it as a "barbarous" practice. He found it stated that, many years ago, Duelling was denounced in France as "a detestable custom, introduced by the Devil for the destruction of soul and body." He was sure no individual would contend, in the face of that House, or of any other great national society, that this language might not with equal propriety be adopted now. In France Duelling was prohibited; the goods of duellists were confiscated, and they were excluded from Christian burial. Why were such regulations made against the practice? Because it was regarded in its true light—as cold-blooded and deliberate murder. His conviction was, judging from history, that imprisonment and exclusion from Government offices had ever been found the most effectual means of preventing the practice of Duelling. Two Proclamations had been issued in this country on the subject—one in the reign of Queen Anne, and the other by James I. The latter proclamation elicited the opinion of the eminent Lord Bacon on the subject of Duelling—an opinion which he thought would command the respect and attention of those Members of Her Majesty's Government who were present on this occasion. Lord Bacon said:—

> "I must acknowledge that I learn out of the King's last Proclamation the most prudent and best-advised remedy for this offence that the wit of man can devise. This offence, my Lords (addressing the Lords of the Star Chamber) is grounded upon a false conceit of honour, and therefore it should be punished in the same kind. The fountain of honour is the King; to be deprived of his favour, and to be banished from the Royal presence would be a fit punishment."

He believed, though he should be unsuccessful in his Motion, there was a growing feeling on the subject of Duelling prevalent in the country, which would eventually demand the attention of Parliament to some legislative measures for its prevention. But if he might judge from the present appearance of the respective sides of the House, he thought he would be able to carry his resolution. If he did succeed it was his intention to propose a short Bill, which he hoped would provide a remedy for the evil of which he complained. He might state, that he had received many hundreds of letters on this subject and he had selected one from a distinguished officer holding high rank in Her Majesty's service—another from a civilian —and a third, he believed from a clergyman. As he had been favoured with so many letters, he had been unable to acknowledge their receipt in a formal manner. The writer of the first letter to which he had referred had not given his name; but he believed he was acquainted with the handwriting, and if his supposition was correct, a braver and better man than the writer did not exist. That writer said, as one of his constituents, and as an officer in the Navy, that he was a decided opponent to the practice of duelling. The writer begged him to push the Government on this subject, in order to induce it to consent to the abolition of the practice. His correspondent also suggested, that the Government should issue a public notice to the Army and Navy, to the effect that any officer taking part hereafter in a duel, either as a principal or as a second, should be removed from Her Majesty's service, and that if he persisted in fighting a duel, and should fall, no pension should be granted to his widow. Once issue such an order, and there would be an end to the practice, and he did not think that any officer would be found who would for the sake of gratifying a spirit of revenge run the risk of depriving his widow of that pension to which she would, under other circumstances, be entitled. He had avoided, until he had read the sentiments of the correspondent whose letter he had just laid before the House, alluding even indirectly to the case of Mrs. Fawcett, who had been deprived of her pension in consequence of her husband having been killed in a duel with Lieutenant Munro. On that subject he must state to the House that he cordially agreed with what had fallen from the noble Lord the Member for Sunderland the other evening. He trusted that the circumstances which had been stated to the House with reference to the condition of Lieutenant Munro would have the effect, in mitigating public opinion with regard to that individual. Another correspondent urged him to push Her Majesty's Government on the subject—to urge them to take a comprehensive view of the matter. The writer said—

> "Why not promulgate a notice to the effect that any person, either as a principal or as a second, would be considered ineligible to hold any office in the Army, Navy, Colonial, Foreign, Home Department, Horse Guards, Admiralty, and (he thought the writer said most wisely) the Privy Council?"

Persons high in station and in society had sanctioned the practice of Duelling. He wanted no more than that common justice should be done to the cause he was advocating. He believed that many who had formerly sanctioned the practice of Duelling regretted, as much as he did, the imperious necessity that had compelled them to send or accept a challenge and fight a duel. It had long been his opinion that the public press of this country ought to advocate the abolition of the practice of Duelling. He held in his hand rather a singular document with regard to the press of this country. Before he made use of any argument deduced from the article in question he must state that many hon. Gentlemen appeared to be of opinion that the practice of Duelling was fast drawing to a close in this country. He at one time was disposed to entertain the same opinion; but he found upon examination that such was not the fact. He was compelled to go back again to the reign of George III. He found that during the reign of that Monarch no less than 172 duels had been fought; out of the 172 how many did the House imagine were convicted upon trial? At that period, as at the present moment, the feeling of Juries and Judges were in favour of the parties who suffered. Of the 172 persons who fought 91 were killed, and two persons only were subjected to punishment. They were executed. Had the persons who fought been punished by being transported for a period of 14, 17, 21 years, or for life, much good might have resulted. At the present moment the nominal punishment was positively a premium on the practice of Duelling. It encouraged it in every possible shape and degree. In fact, Juries went so far as to sympathize with the parties who fought duels. They certainly went through the ordeal of a trial, but they were not convicted for the offence. If guilty, the parties escaped in consequence of the asperity of the law. During the year 1838, four duels were fought in this country, and four in 1839. It would be found that the average number of duels during the last three years was greater than what had occurred in the reign of George III. In the year 1838, an article on the subject of duelling appeared in the *Standard* newspaper, having reference to a particular case that occurred at that period. The writer of the article to which he referred, said, "that there existed no necessity for sanctioning the practice of Duelling,—that a person who killed another in a Duel was as much guilty of murder as the highwayman who took away the life of a fellow-creature, and the law made no distinction between the two cases." The writer of the article in the *Standard* asked, with very good sense, "Is this tyranny to be endured?" He did not believe that the *Standard* went so far now on the subject of duelling as it did formerly when that article appeared. It went now half-way on the subject—in fact, as far as the Government went—but not so far as he wished to go. Before he sat down he considered it to be his duty to call the attention of the House to what Earl Fortescue had done in reference to the suppression of Duelling during the time that distinguished nobleman held the office of Lord Lieutenant of Ireland. That noble Earl issued an important document on the subject. It went much further than the Government appeared disposed to go, if he judged of the intention of Government by the contemplated alteration in the articles of war. He should not be doing his duty to the noble Earl if he refrained from bringing the document under the consideration of the House—that document which had become a matter of history in this country. A particular circumstance had called Earl Fortescue's attention to the question of duelling, and that noble Earl, by command of the Government, and as the Representative of Her Majesty, on the authority of the Crown, issued on the occasion the document referred to. He had no doubt that the right hon. and noble Lord opposite would find the document in the office to which he had access. The hon. Gentleman read the proclamation, which set forth that, from circumstances which had recently been brought before the Lord Lieutenant, it was his desire that it should be signified to Her Majesty's forces in Ireland, that it was the Lord Lieutenant's firm determination to punish with immediate dismissal any officer who should give or accept, or be concerned, either directly or indirectly in giving a challenge, under any pretext or under any provocation whatsoever. Now, he asked, was it possible, after this condemnation of the practice by Her Majesty's late Representative in Ireland, that it could be sanctioned by the present Government, the conservators of the peace of the country? Unless he had put a wrong construction on this Proclamation, the meaning of the noble Earl was, that the officers over whom he had control were not to fight duels, and not to accept challenges; and that accepting a challenge would disqualify the party from holding office under Government. He would again allude to the letter of Lieutenant Munro, and he would declare that Lieutenant Munro's language in that letter was such as made him (Mr. Turner) believe, that scarcely any punishment which a jury of his countrymen could have inflicted would have surpassed what he was now undergoing; for he thought that his letter manifested his feelings to be most acute. He thought that letter was calculated to bring over the sympathies of the country very much in Lieutenant Munro's favour. Lieutenant Munro had attempted, and very nearly, he believed, succeeded in convincing the House that he was not the great criminal that had been supposed, and under these circumstances he put it to the

Government, whether some act—which he was sure would be well received by the public—could not be devised which would give something like comfort to both these parties—he meant Lieutenant Munro and the widow of Colonel Fawcett? He would pass an act of oblivion on all matters of this kind that up to the date of the act had taken place. He would grant the widow her pension as an act of grace, and not as an act of right. The country had seen an Act passed, and that lately, where the circumstances of the parties were taken into consideration, to relieve those parties from the penalties they had incurred. Why should not some law of the like nature be passed, which would embrace both these cases? and when that was done then let them alter the law, and make the punishment not only certain, but let that punishment, whatever it were, quickly follow the offence. If that were done, as he was sanguine enough to think sooner or later would be done, the law would be an honour to the Government, which should pass it, and a credit to the House of Commons who supported and sanctioned it.

Mr. *Ewart* seconded the Motion. It appeared to him there was a necessity for practical legislation on this subject. Judging from the maxims which were delivered in general by hon. Members who had spoken on it, there was hardly one, he thought, who would deny the evil of the practice. In fact, the expression of opinion had been so general, that it amounted to a resolution of the House to put down Duelling. Waving all vain declamation, he wished to state the question, which was, as he conceived—could they put an end to this practice they all detested? He had endeavoured to glean from what had fallen from the hon. Mover what the punishment was which he intended to establish, and he gathered that the hon. Mover would enact the punishment of transportation in general, retaining, however, capital punishment for one species of Duelling, viz., in the case of Duels without seconds. In that, he must say, he differed from the hon. Gentleman, because he was one of those who were against all capital punishments whatever. But, besides that, he doubted whether there was justice in the hon. Gentleman's plan. The law of England considered manslaughter as a less crime than murder, the latter being accompanied by circumstances of malice and forethought, of which the former was divested. The truth was, the man who went out with seconds after a deliberation of two or three days, perhaps, committed a greater crime than he who hastily went out to fight, on the exasperation of the moment, without seconds. Seconds did not diminish the crime. He differed, therefore, from the hon. Gentleman on this point, and he thought the remedy would not come up to public opinion on this subject. Besides, its effect would be to increase and extend capital punishments; for he believed that since the case of Colonel Campbell in 1808 no execution for Duelling had taken place. With respect to the sentiments of Her Majesty's Ministers, he understood that they had reflected maturely on the question. They had stated so. He would ask them, therefore, whether it were not possible to put down the crime of Duelling by inflicting a proper punishment, inflicting no punishment however equivalent to capital punishment? For his part he would venture to introduce a Bill to inflict a punishment of from two years imprisonment to fourteen years' transportation, at the discretion of the Judge. He believed that would agree with public opinion, and it was manifest that they wanted some punishment which would accord with the present state of public feeling; but before he (and he believed other Members) could take any practical step in the matter, he wished to ascertain what were the intentions of the Government; and he thought, that from the statements of the Government the other night, the House had a right to claim some information of their intentions.

Mr. *Cowper* said the subject branched into two divisions, the moral and the practical, and it was to the latter only that he wished to address himself, namely, the possibility of Legislation. The hon. Members who had moved and seconded this Motion seemed to think that legislation could only act by punishing. He could not help thinking, that legislation might do more; for, could they look to this practice, which all admitted to be wrong, to be absurd, to fail of attaining its proper object—the prevention of insult, and inquire why it had continued so long in this and other countries, and not be satisfied that it was owing to some deficiency on the part of the law? He considered the blame of duelling to rest not so much with the individuals, as with the state of the law. The practice arose in barbarous times, when men were so rude and unskilful in the sifting of evidence, that they could not in a dispute discover who was right and who wrong, and in their ignorance they turned to their superstitions, and appealed to the sword to point out where lay the right. The root of the evil consisted in the law leaving one class of offences utterly unprovided for by any regulation whatever; for, with regard to offences against the honour, the law provided no adequate protection whatever. It would not do to try and get over this by pretending that these insults and offences against the honour were no injuries at all. There certainly were very grave injuries of this kind for which the Law Courts provided no adequate redress. It was true, that a number of very trivial offences were brought under a cognizance of the arbiters of honour, but there were also very grave offences publicly proclaimed, imputations of base motives, false aspersions, unjust attempts to bring contempt upon character, which it was hard to expect a man to receive with impunity, and for which the law ought, in his opinion, to provide some remedy and redress; so that the injured party might disprove what was false, and reinstate himself in public opinion. The law, if it could be so styled, of honour, failed in the great object of all law, for it did not distinguish between the guilty and the innocent, but punished both alike. Courts of honour had been a subject of ridicule, he was aware, but they had been established, nevertheless, with good effect in some countries of Europe. In Russia no officer of the army would fight a duel, because the punishment was so severe; and in Bavaria and Prussia officers had recourse to the court of honour. He might state the opinion of Blackstone on this subject, who, after stating, that by law, killing in a duel was murder, both in the principal and second, went on to say,

> "Yet it requires such a degree of passive valour to combat the dread of even undeserved contempt, arising from the false notions of honour too generally received in Europe, that the strongest prohibitions and penalties of the law, will never be entirely effectual to eradicate this unhappy custom, till a method be found out of compelling the original aggressor to make some other satisfaction to the affronted party which the world shall esteem equally reputable as that which is now given at the hazard of the life and fortune, as well of the person insulted as of him who hath given the insult."

So that Blackstone contemplated the possibility of establishing a tribunal which should give satisfaction in a true, a just, and reasonable sense and not that empty and miserable satisfaction which was attained by a man exposing his life and that of another. Duelling he believed, seldom took place now from revenge; parties were reluctantly compelled to go out, generally from fear, from the dread of society, and of being degraded if they listened to their conscience and their better feelings, and refused to imbrue their hands in the blood of their fellow-creatures; but if another alternative were given, if a court were constituted which would ascertain which party was in the wrong, and give a proper satisfaction to the injured, gentlemen might resort to it. Such a tribunal might enjoin the sort of apology which the party in the wrong ought to make, and so the injured party would have a real remedy. Whatever apology the necessity of the case might require, the Court could dictate the nature and terms of such apology, and that might be made public. Where the injury lies in being lowered in public estimation the adequate remedy consists in restoring the sufferer to the position to which he is fairly entitled, in general estimation. Some such measures as those, could, he thought, be adopted if the Government really wished to put an end to the practice. If they were to legislate, it required the talents and knowledge of a Government to enable them to do so, and he hoped that they would bring those talents and that knowledge to bear upon the question in an effectual manner. Persons appointed to decide questions relating to affairs of honour might be selected as nearly as possible from the same station in society with the parties concerned: and they would, therefore, be enabled to appreciate the feelings of those, respecting whose cases they might be called upon to adjudicate. It would then be likely that the judgments of such Courts would prove satisfactory. The principle of arbitration was one acknowledged in some cases, and he did not see why that principle should not be applied by law so as to become a substitute for duelling.

Sir *R. Peel* said.—The hon. Member opposite proposes that the House should pass a resolution to the effect, that Duelling is immoral in its tendency; that it brings into contempt the laws of the country; that it is contrary to the Divine command; and that it ought to be abolished. This is the resolution which the hon. Member has submitted to the House. Now, I really think that the House ought to pause before they proceed to deal with a question of this kind by means of a resolution. It appears to me that it would be establishing a most dangerous precedent if we were to take upon ourselves the office of interpreting the Divine commands. It might be a very compendious way of getting over a difficulty, but it is not the way in which I think that the House ought to encounter matters of this kind. We may by legislation prohibit any practice which we think ought to be prohibited, but I object to taking the initiative in the matter by means of a resolution; for unless this resolution should prove effectual, the consequence of adopting it would be to disparage the authority of the House, and to lower the influence of Parliament in public estimation. Suppose that we should agree to this resolution, how are we to enforce it? Suppose that the public totally disregard it, what means have we of making it obeyed? I am aware it has been said that the Crown ought to interpose its authority for the purpose of putting an end to this practice. I beg the House for a moment to consider the extent to which that authority reaches. In a matter of this kind the Crown can only exercise its influence over a very small portion of the community. The great mass of mankind are beyond the control of the Crown, and for this House to make a demand upon the Executive Government calling upon them to put down Duelling by such powers as we possess, would, I think, amount to a very noxious precedent; and it would be equally objectionable to call on us to pass any measure which we possess no reasonable prospect of being able to carry into practical effect. But, above and beyond all this, I must deprecate any proposition, the object of which may be to denounce certain Acts by means of resolutions. I have not forgotten that the hon. Member told the House that if we agreed to his resolution, he would then bring in a Bill for the purpose of carrying into full effect the principle set forth in the Motion; but I want to know why he need preface his intended piece of legislation by any resolution whatever? If the legislation of the hon. Member were calculated to be effectual, then his resolution is unnecessary. On the other hand, if he succeed in carrying his resolution, and does not prove successful with his measure of legislation, the House will find itself placed in a very awkward position; for there would stand the Motion without any means of giving it effect. Thus, whatever way we take the matter, neither the House nor the public would be any gainers. In making these observations, I am at the same time quite prepared to admit that the subject now brought before the House is one which is, in all respects, entitled to the most serious consideration. I quite agree, that if a legislative remedy can be devised, it is the duty of Parliament to lose no time in applying it. The hon. Member has told us that at some future time he will introduce a Bill for the purpose of giving effect to the principles and views which he has just stated to the House. I can only say that if he should do so, I shall not cast any impediment in the way of his introducing a Bill of that kind, of course reserving to myself a discretionary power of considering and deciding upon the proposed measure so soon as it comes regularly under the consideration of the House; but whenever the hon. Member asks for leave to bring in a Bill on the subject to which he has this evening called the attention of the House, I shall readily vote for the Motion for leave; but upon the nature of the hon. Gentleman's legislation must depend his chance of ultimate success. If the views of the hon. Gentleman were carried into effect, there should be two enactments, according to one of which there could be no capital punishment unless the parties engaged in a duel fought without seconds. See, now, the extreme difficulty of dealing with such a case. To declare that there should be one punishment for one species of Duelling, and another for a different kind of the same offence, would, in my opinion, appear like giving an implied sanction to that description of crime to which the lighter punishment was assigned. To this I must object, for I should be afraid of giving any such sanction to the practice. If the good sense and moral feeling of the community be opposed to Duelling, I do not think we ought to give it even an implied encouragement by any measures of legislation. This part of the question is really surrounded with difficulties that are almost insuperable. Suppose that two Gentlemen have had some cause of a quarrel—that they give way to their feelings—that in the heat of passion they fight without seconds—these persons, according to the hon. Member, ought to be subjected to a certain punishment greater than those who after quarrelling go home, deliberate over the causes of their dispute, select seconds, and then go out to carry their hostile intentions into effect. I am sure that the present feeling of society on this subject would be decidedly opposed to inflicting the severe punishment upon the less deliberate offence. What, for example, would be thought of the case of Lord Byron and Mr. Chaworth? What would the public think if they saw a certain description of Duelling mentioned in an Act of Parliament in certain terms, which Act must be drawn up technically and construed literally? The inference that the public would draw from this must be, that Parliament gave a sort of sanction to the one sort of Duelling and not to the other. As to one of the propositions made by the hon. Member, namely, that the surviving party should pay the debts of him who lost his life in the encounter, it was one which he felt assured the House would never for a moment entertain. The persons who sought to make a reputation by Duelling formed a race of men now extinct; a more pestilent class never existed, but the good sense and good feeling of society at large had extinguished them. The contempt and disgust with which their real cowardice was viewed had driven them from all intercourse with any respectable class; but if they now existed, or were again to arise, they would, in endeavouring to raise their reputation as duellists—supposing the measure of the hon. Gentleman to succeed—select those persons for their antagonists of whose solvency they felt perfectly assured. I need scarcely add, that every consideration of this kind must diminish the confidence which we might otherwise place in the proposed measures of the hon. Gentleman. Amongst other matters it was now proposed to establish a court of honour. I do say there would be great difficulty in giving a legal sanction to any thing of that sort, and I very much doubt whether such a court could obtain reparation for wounded honour as readily as it might be obtained from the good feeling of the offending parties. I think it probable that the cases in which it failed would be more numerous than those in which it succeeded. I am sure that in the present state of society more instances of honourable reparation would arise from the generous feelings of the parties themselves than from any intervention of courts of honour. There were in ancient times courts of honour and courts of chivalry, but I hardly think the revival of them would accomplish the object which the hon. Member has in view; and I think I may now say that there exists a general feeling in favour of the position that there is more true courage and far less humiliation in giving than in refusing honourable amends. I will imagine the provocation given in a case of this sort to be of the grossest kind. I will suppose that there has been a threat of personal chastisement—that a whip has been held up in a menacing attitude—that there is an appeal to a court of honour—that the party who has given the provocation refuses to make the apology which the court has directed—that the court has inflicted upon him, we will say, fine or imprisonment—all this may go a certain length, but if public opinion be adverse to it the success of any such measure can never be complete. Believing all this—believing that courts of honour, like juries, would be very much under the influence of public opinion—believing that men like those who had already set the law of the land at defiance would not submit to courts of honour—believing that though the punishment of transportation might be enacted, its beneficial effect would be doubtful—believing that the fear of conviction, and even the fear of transportation, would not deter some parties; and, finally, that in too many instances the persons accused would rely too confidently on public sympathy, I must vote against the Motion of the hon. Member. I rely much less upon legislation than I do upon public opinion—than I do, for example, upon the influence of the 360 Gentlemen, including admirals, general officers, and other eminent persons possessing the nicest sense of honour, who have denounced the principle and practice of Duelling—who have declared that challenges ought neither be given nor accepted. Those are the grounds upon which Her Majesty's Government have thought it right to abstain from proposing any measure on the subject; but that will not prevent my giving to any Bill that the hon. Gentleman thought proper to introduce the fairest and most dispassionate consideration. There now is an evident indication that public opinion begins to discourage Duelling. I fear to check the flow of such a feeling. The subject has been very carefully considered by the advisers of the Crown. They have done everything in their power to discourage Duelling in the naval and military branches of the public service, by issuing certain new regulations on the subject, and I must say that I doubt the expediency of interfering further at present. I have no objection that the hon. Member should try his hand at legislating on the subject; but I must deprecate any attempt to pass a resolution such as that which has now been proposed to the House.

Lord *R. Grosvenor* said, that formerly the feeling in society was, that a man who refused to send a message after having been insulted was degraded, but he did not think that such was the feeling now. Almost every man who had spoken upon the subject in Parliament, expressed opinions condemnatory of the practice of Duelling. With respect to the nature of the punishment, he thought it was impossible to put a duellist in the same class as a murderer; by doing so, the law was rendered inoperative. This was a subject peculiarly fitting to be dealt with by the Government. A private individual was deterred from bringing it forward because his motives might be misconstrued. He thought it inconsistent to establish a rule affecting the Army without making it equally applicable to the Navy and to the persons employed in the civil departments of the country. To leave the law in its present state, with respect to the rest of the community was impossible. He would willingly leave the matter to the influence of increased civilization. If it was said that a man was no longer to have recourse to Duelling to vindicate his honour, then the Legislature was bound to provide some other means by which he might do so, and protect himself from insult. He did not entertain the same opinion that the right hon. Baronet had expressed, as to the difficulty of devising suitable punishments. Transportation did not seem to him to be necessary in the case of duelling. The punishment should be consonant to public feeling—privation of commissions in the Army and Navy, and dismissal from official service of persons holding office under Government, and this privation and dismissal for a certain period, would, in his opinion, be perfectly agreeable to public opinion.

Mr. *Hume* did not agree with the right hon. Baronet (Sir R. Peel) that a resolution of the House was an irregular mode of proceeding, although it might be followed up by any legislative measure. Nothing was so common as to do so. A resolution often preceded the introduction of a Bill. In his opinion, the present state of society did not admit of legislation upon this subject. Duelling was a custom which could not be changed by legislative enactments. Still the House might, with great propriety, pass a resolution expressive of its opinion against this barbarous practice. It would by degrees, strengthen the hands of Government to put it down. No one declared his approbation of the practice. If Her Majesty, who had intimated her anxiety to put an end to the practice in the Army and Navy, were to issue a single ordinance, declaring that no individual in society, whatever his rank might be should be admissible to office, or received in any public capacity or at court if guilty of sending or accepting a challenge to fight a duel. Let such an ordinance be passed, and that would effectually put an end to the practice.

Mr. *Plumptre* said, it was not his practice to put out resolutions as feelers of the opinion of the House as to the success of a Bill. He thought the practice of Duelling was not only criminal in its tendency, but criminal in itself. He would express his condemnation of Duelling, by dividing with the hon. Mover of the Question.

Mr. *Warburton* hoped the hon. Member would withdraw the resolution. He had already received, from the expression of the opinions of hon. Gentlemen, a sufficient condemnation of the practice, and all the objections that could possibly have been made against the resolution had been urged against it. He had been told, that according to the existing law, they could not have a stronger condemnation of the practice than was now inflicted. What possible object, therefore, could be gained by pressing the resolution? In order to save the House from appearing by their Motion in any way to express approbation of Duelling, he should move the previous Question.

Mr. *Brotherton* hoped that the resolution would be withdrawn. It would be establishing a very dangerous precedent for the House to approve what would be against the Divine commands. And he agreed, that the practice of Duelling was only to be put down by public opinion. There was a growing feeling against it. Duelling, capital punishments, and war, would disappear when Christian nations became nations of Christians. But he could not force people to adopt religious principles of action. He desired, however, to encourage public opinion favourable to humanity. True courage consisted in not being afraid of being thought afraid. If the Legislature interfered at all, unquestionably it should be, not by Resolution but by Bill. The defect of the present law was, that only if duels proved fatal they were punishable. Why, should it not be law that if any one fought a duel, fatal or not he should be liable to prosecution? Then the very provoking to a Duel should be criminally punishable; and certainly the law was never put in motion against those who did not happen to injure their opponents in duels.

Sir *T. D. Acland* added his request for the withdrawal of this highly inconvenient resolution. He frankly confessed that he could not negative it in any part of it as a proposition. Duelling undoubtedly was the crime, which, by some unhappy fatality, was allowed to exist, as if to brand by its barbarity, the character of an age and of a country so highly civilized, and to present a melancholy proof of the imperfection of our nature, in the inability of the noblest spirits among us to cast off a usage so cherished—still the last lamentable relic of a barbarous age. There was unquestionably, an insuperable bar to legislation; and whichever way the division went, if a division were persisted in, it would in its result be injurious to the cause all had at heart—the suppression of the odious usage. It would be most unfortunate by such an injudicious course to run the risk of giving the slightest check to the improved feeling of society on the subject. The law had done, it appeared, all it could. The difficulty was in getting society to put it into execution. The most honourable and estimable man—however grossly or wantonly insulted — would hardly have the moral firmness to go into a court of justice and expose his antagonist's conduct, encountering the obloquy attaching to such an appeal to another authority than that of a man's own sense of honour. The thing to be most desired, was the discouraging the preparatory steps in the progress of these unhappy affairs. Let some secondary punishment such as would really be inflicted, be imposed on those who sent, received, or carried challenges. At present it was alike unfortunate and unfair that society was quite passive during the progress of cases which served, though leading in themselves to no fatal results, to foster the feeling and perpetuate the practice of Duelling, society was silent while this custom was cherishing and continuing the apparent necessity for violating the law—so long as no fatal consummation was produced. But when some fatality occurred in some case, perhaps of far less malice, far less of revengeful feeling than others, but accompanied with circumstances of horror, then society rose up in alarm and in execration; and probably, under such circumstances, a man, animated by motives infinitely less malicious than those of others, who, not having succeeded in killing their antagonists, escaped almost unblamed, would hardly find a fair trial. Perhaps it would have a beneficial effect to exclude from the highest, the purest. and the most dignified presence in the land, those who had been concerned in duels fatal or otherwise. At all events, every man should sincerely assist in the discountenancing of this dreadful crime; and with that motive he had caused his name to be inscribed among those who had borne public testimony against the practice.

Mr. *Turner* declared, that while he consented to withdraw his resolutions he did so with the determination, in the event of the Government not undertaking the task, of proposing a measure to the House on the subject, the responsibility of which however, he deemed would more appropriately be assumed by the Government than by any individual Member.

Motion withdrawn.

Probate and Legacy Duties.] Mr. *Elphinstone:* Sir, I rise, in pursuance of the notice which I have given, to ask the House to resolve itself into a Committee of the whole House for the purpose of considering the statutes which impose taxes upon the right of succession to personal property after death, in the hope that the House will see not only the propriety but the justice of imposing similar taxes on real estate. The House is probably aware, that, as the law now stands, the personal property of every person who dies worth more than 20*l.* is subject to two taxes, called Probate Duty and Legacy Duty. Probate Duty is an *ad valorem* tax imposed on the whole personal property of the deceased, which may be situated in any part of the United Kingdom, at the time of his death; and this is payable, in all cases, whatever may be the manner in which the personal property is left, whether the property be left to a near relation or to a stranger in blood. Legacy Duty is a second tax on personal property, in addition to the Probate Duty, which is levied on the party who receives the benefit. The amount of this duty varies according to the degree of relationship of the legatee to the deceased, and widows are exempt from its operation. Legacy Duties fall with great severity on strangers in blood, and in the case of natural children, who in the eye of the law are strangers in blood, are peculiarly severe. Administration Duties (which are the duties levied when there is no will) are of the same nature as Probate Duties, and are imposed on precisely the same description of property as Probate Duties. The rate, however, of Administration Duty is higher per cent. than the Probate Duty. I think this distinction is wrong in principle, because it does appear to be unjust that a widow or children are to pay a heavier tax to the state merely because the husband, either by accident or design, has preferred that his property should be divided according to the known order of law. There is this distinction between Legacy and Probate Duty, that while Probate Duty is never in any case charged on real estate, nor on any interest arising out of land, nor on land directed to be sold, Legacy Duty is, in certain cases, under provisions of 45 George III., c. 48, payable upon annuities charged on land, or on land directed to be sold. Land itself, however, whether it be left as a whole in one estate, to one person, or whether it be divided into different farms and left to different persons, is not liable to the Legacy Duty. With this trifling distinction between these taxes, however, the House may take it as the general rule, that while personal property is in all cases subject to these heavy taxes, real property, be it freehold or be it copyhold, is entirely exempt. Now, I must say, that I think this exemption in favour of freehold and copyhold property is most unjust to manufacturers and traders, to the great mass of the people, and to all the owners of personal property. This act of injustice has also given rise to the injurious imputation that, inasmuch as the majority of the two Houses of Parliament consist of the owners of real property, this exemption has been made by the Legislature on private, and not on public grounds. The present Legacy Duty was originally imposed as a war tax; and when Mr. Pitt introduced the existing Act, in 1796, he intended to apply its provision to realty as well as to personalty; and, though the landed interest were too strong even for that powerful Minister, it is perfectly well known that he stated, over and over again, that landed property ought not to be exempted from burthens to which personal property is subjected. Mr. Pitt said (*Hansard* XXXII., p. 658), in introducing the Legacy Bill—

> "In a war for protection of property, it was just and equitable that property should bear the burthen. It was in the nature of things that landed property was the most permanent; it was fit that it should contribute accordingly. The Legacy Duty was not, however, to be confined to any species of property; it was to include both landed and personal."

Mr. Pitt afterwards divided his Bill into two parts; the one relating to personalty, and the other to realty. The Bill for personal property passed the Commons without difficulty, and became the existing Act—36 George III., c. 52; but the Bill for realty was opposed at every stage by the landed Gentry of that day, and, after several very close divisions (in one of which the numbers were equal, and the Speaker was obliged to give a casting vote), Mr. Pitt carried the Bill by only one vote. On the following day he came down to the House of Commons, and reluctantly yielded to necessity, and, contrary to his own conviction of what was right, withdrew the Bill. The exemption which the law has given to real property is in many cases absurd, as well as unjust. Leaseholds for years are considered as personal property, and, therefore, are liable to probate duty; leaseholds for lives are real estate, and therefore not liable. There are towns in the north of England, in the borough of Sunderland, for instance, in which in one part the houses are held on leases for years, and are consequently exempt; in the other part the houses are on leases for lives, and consequently liable. On what principle of common sense or of justice are the inhabitants of one part of a borough to be liable to a tax from which the inhabitants of another part of the same borough are to be exempt? I ask, on what principle of justice can you possibly defend these mere legal distinctions? Why is the inheritor of a large property in a town, consisting of leaseholds, to be liable to taxation, when the inheritor of a copyhold estate is to be exempt? The sum paid annually by the owners of personal property is enormous. I find that, in the year ending January, 1844, the State received about two-and-a-quarter millions of money from the personal property of the United Kingdom; and the capital which produced this large revenue, and which in passing from the dead to the living became liable to this heavy amount of taxation, was no less than 43,000,000*l.*

Return of amount of Duty on Legacies, Probates, Administrations, and Testamentary Inventories for the year ending January 5, 1844 :—

	Legacies.			Probates Administrations, and Testamentary Inventories.		
	£	*s.*	*d.*	£	*s.*	*d.*
England and Wales ..	1,114,871	6	6	879,367	5	0
Scotland	86,977	18	6	53,413	0	0
Ireland	39,034	17	3½	66,184	10	1
United Kingdom ..	1,240,804	2	3½	998,964	15	1

Total legacies and probates, &c., in United Kingdom, 2,239,768*l.* 17*s.* 4½*d.*

And since the year 1797, it appears, by the papers now on your Table, that the immense sum of 66,835,959*l.* has been yielded by these taxes.

Total amount of Duty received since 1797 *on Legacies Probates, Administrations, and Testamentary Inventories :—*

	Legacies.			Probates, Administrations, & Testamentary Inventories.		
	£	*s.*	*d.*	£	*s.*	*d.*
England	34,392,977	1	3	27,244,687	17	2
Scotland	2,037,524	19	0	1,390,696	10	2
Ireland	714,250	18	1	1,055,821	18	0¾
	37,144,152	18	4	29,691,206	5	4¾
Total ..	£66,835,959 3s. 8¾*d.*					

I have little doubt but that, if Legacy and Probate Duties were imposed on real property, an income nearly as large as that derived from personal property would be obtained with the greatest ease and facility. In the absence of precise information, there are various ways of making this estimate. Mr. Gwynne, late Comptroller of the Legacy Duties, whose opinion is entitled to the highest consideration, estimated that about one-thirtieth of the whole personal property in the Kingdom is annually subject to the Probate and Legacy Duties. Sir Robert Peel, when he introduced the Income Tax, in 1843 assumed the annual rent of land to be 39,400,000*l.* Taking this at twenty-five years' purchase would make the value of real property to be 985,000,000*l.*; and then, applying Mr. Gwynne's principle, you would have a capital of about 33,000,000*l.* of real property annually subject to Probate and Legacy Duty. The capital of personal property which was subject to these duties in 1843 was 43,000,000*l.* This produced to the revenue, as I have already stated, about 2,250,000*l.* It is, therefore, only fair to estimate that land of the value of 33,000,000*l.* would, at the very least, produce 1,500,000*l.* as revenue for the use of the State. There is another mode of making this estimate. It appears by the accurate tables of Mr. Porter, in his able work, *The Progress of the Nation*, there are about 46,000,000 of acres of cultivated land in the United Kingdom.*

If we consider the large rents that are obtained near towns, in all probability the rental of these 46,000,000 acres cannot average less than 1*l.* per acre. If this estimate of the rental be nearer the truth than that of the right hon. Baronet, as I suspect it is, it would give us a larger revenue (if Probate and Legacy Duties were imposed on land) than is now derived from personal property. The House will bear in mind, that these estimates must be under the mark, as I have not taken into account freehold houses and other real property, which are now exempt. Whether, however, these calculations are too much or too little, it is clear that a very large revenue may be obtained for public purposes, and that land is now unjustly exempt from the payment of a heavy tax to which other property is liable. How unjust it is, how unfair it is, that while the property of a merchant who dies, leaving but a bare provision for his family, is subject to a heavy Probate Duty, the family of the rich landed proprietor, who dies possessed of freehold land and freehold houses to the amount, perhaps, of 1,000,000*l.*, is not called upon to pay one farthing; and the distinction between the property of a landed proprietor and of the manufacturer, is the more galling from this circumstance, that the very same land which, while it remains the property of the landed gentleman, is not liable to Probate Duty, becomes chargeable with this heavy tax the moment it is bought with partnership capital for the purposes of the trade of the manufacturer, because it is then considered to be personal property. On what principle of fairness does this House enact, that when a freehold estate is bequeathed by a rich proprietor to his rich heir, that this valuable inheritance is not to be charged with Legacy Duty, but that when the very same estate is devised to be sold in order to provide for the wants of a family, it is then to become subject to this Legacy Duty? The hardship on the middle classes is the greater in the case I have just mentioned, because in nine cases out of ten, where an estate is devised to be sold, it becomes liable to the Auction Duty, and in every case to a Conveyance Duty, from both of which taxes the heir-at-law escapes. If any distinction ought to be made as to the payment of Legacy Duty between land devised to be sold, and on land not devised to be sold, it ought to be in favour of the former, as land devised to be sold becomes liable to the two duties I have just named. A tax upon the transfer of landed property after death has, from the earliest time, been usual in all civilised countries. We all have read in history that by the Julian law imposed by Augustus Cæsar, a very large revenue, under the name of the twentieth penny, *vicesima pars hereditatis*, was derived from a tax of this nature on succession to real property. A similar tax is at this day levied in Holland, Belgium, France, Switzerland, Italy, and in some parts of Germany. I trust that the period is not distant when either a similar tax will be levied in the United Kingdom, or else that you will consent to take off those duties on personal property; they ought either to be levied both on realty and on personalty,—on both or on neither. In looking through the older Acts of Parliament on this subject, I have been struck with the anxiety the landowners have shown at all periods of our history to benefit themselves at the expense of others. There is a singular example of this in 2nd of Henry VIII. c. 5. Before this Act was passed (which is entitled "Fees for Probates") land directed to be sold was considered as personal property, and liable to a probate fee: but by this Act land directed to be sold is exempted from paying a probate fee, and this exemption continues to the present day as such land (though subject to Legacy Duty) is not subject to Probate Duty. When this question was last discussed in the House, in April, 1842, while no one ventured to object to the justice of the principle for which I contend—namely, that of treating every species of property (whether real or personal) on a footing of equality—two specious objections were urged: the one relating to the burthens to which landed property is subject, in consequence of the Stamp Duties; and the other, that a Probate Duty on landed property would be easily evaded by putting the property into trust. With the indulgence of the House, I wish to make a few remarks respecting both these objections. In the first place, I find on inquiry (though there are no accurate accounts), from competent persons, that out of 1,600,000*l.* received for Stamp

---

* See Table (as note) following page.

		Arable and Gardens.	Meadows, Pastures and Marshes.	Total cultivated.	Wastes capable of Improvement.	Wastes not capable of Improvement.	Total acres in United Kingdom.
		Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
England	..	10,252,800	13,379,200	25,632,000	3,454,000	3,256,400	32,342,000
Wales ..	..	890,570	2,226,430	3,117,000	530,000	1,105,000	4,752,000
Scotland	..	2,493,950	2,771,050	5,265,000	5,950,000	8,523,930	19,738,930
Ireland	..	5,389,040	6,736,240	12,125.280	4,900,000	2,416,664	19,441,944
British Isles	..	109,630	274,060	383,690	166,000	569,469	1,119,159
Totals	..	19,135,990	27,386,980	46,522,970	15,000,000	15,871,063	77,394,433

Duties on Deeds, not above 400,000*l.* can by any possibility be considered to be paid by land (which is now exempt from Probate Duty), either in the shape of duties on conveyances, mortgages, settlements of landed property or leases of farms, or other matters relating to realty; the remaining 1,200,000*l.* are paid entirely by transactions relating to personal property, such as personal bonds, leases of houses in towns, mortgages of leasehold houses, and settlements of funded property, and other personal deeds of a similar nature. I also find in all the Stamp Duties relating to real property, that the principle is to favour the rich man and to make the poor man pay more than his fair proportion. Take the case of a mortgage—if a small farmer is in distress, and desirous to borrow 50*l.* on mortgage of his small patrimony, he has to pay a Stamp Duty of 1*l.* A wealthy landlord, with a large estate, wishes to borrow 20,000*l.* for the purpose of improving his property and adding to his income, he has to pay, not a duty of 400*l.*, which he ought to do if he paid at the same rate per cent. as the yeoman, but a Stamp Duty of only 20*l.*; so that in this case the rich man contributes 380*l.* less to the exigencies of the State than he ought to do. The same principle (though not to the same extent) pervades the duty on conveyances. The Stamp Duty on conveying a small property of 20*l.* is 10*s.*—the Stamp Duty on conveying a large property of the value of 100,000*l.* is only 1,000*l.* instead of 2,500*l.* as it ought to be if the Stamp on large property were in proportion to the Stamp on small. When a merchant under the right hon. Baronet's Tariff imports a large quantity of goods, this House does not enact that the wealthy merchant of Liverpool or of Bristol is to pay a smaller amount of Import Duty than the humble tradesman; on the contrary, this House, with perfect fairness, puts the large importer and the small importer on a footing of perfect equality, and makes each person pay at the same rate for the goods he imports. Then, if you act on this just principle in respect to trade and commerce, I want to know why are you to act on a different principle with regard to land? The greater part of conveyances in the course of the year are conveyances of small properties near towns, which belong to the middle classes; there can consequently be no doubt but the greater part of those very conveyance duties, for which a claim is now made upon us by the landowners, are paid by the middle classes, and not by the inheritors of large landed property. However, I am ready to admit, that these Stamp Duties on the conveyance of landed property are injurious to the landed interest—that they tend to lessen the value of their estates by increasing the expense and difficulty of selling their property. It was suggested by the late Mr. Tyrrel and by Mr. Stewart, the eminent conveyancers, that these duties on the alienation of land should be altogether abolished, and that, instead, a Probate Duty should be imposed. I am ready to adopt their suggestion. I can only say that, if the House agree with my proposition, I should willingly vote to relieve the landed interest from this 400,000*l.*, though I believe that the bulk even of this 400,000*l.* falls on the middle classes and on the small proprietors in the neighbourhood of towns. It was urged in the last debate by several hon. Members, that a Probate Duty on landed property would be easily evaded by means of putting it into trust, and that by this means the large estates would escape. This difficulty, however, if the right hon. Gentleman the Chancellor of the Exchequer were really in earnest, might easily be avoided. At present, as the law now stands, personal property under trust, under certain circumstances, escapes Probate Duty; but it would be very easy to enact that, whenever the *cestuique* trust (that is to say, the person who has the beneficial interest) dies, that the tax should be levied on the next *cestuique* trust entering into the enjoyment of the beneficial interest, whether the interest were derived from personalty or realty. Sir, I have purposely, on the present occasion, confined the Motion now before the House to Probate Duties, with the view of preventing the House being misled by any of the specious arguments which were used on a former occasion relating to the Legacy Duties. The right hon. Gentleman, the Chancellor of the Exchequer, by taking advantage of the fact that, in particular cases, certain interests arising out of land are liable to Legacy Duty, endeavoured, by confounding Probate and Legacy Duty, to induce the House to believe that land is liable both to Probate and Legacy Duty, and that owners of real estate do, in a large degree, contribute to those taxes. Such, however, is not the fact, and I defy the ingenuity of the right hon. Gentleman to show that, either land itself, or that any interest arising out of land (be it freehold or copyhold), is, in any single instance, liable to Probate Duty. Sir, I trust I have stated enough to the House to induce it to agree to this Motion. The people of England are lovers of fair play and honesty, and they cannot understand on what principle of justice Parliament imposes a heavy tax on the hard-earned savings of the working man, which he may have laid by for the support of his widow and infant children, when the property of the rich proprietor, which passes to the heir-at-law, utterly and entirely escapes taxation. I now beg to move,

"That this House do resolve itself into a Committee of the whole House, on an early day, for the purpose of taking into consideration the Acts 36 Geo. III., c. 52; 45 Geo. III. c. 28; 48 Geo. III. c. 149; and 55 Geo. III. c. 184, with the view of imposing the same amount of Probate Duty on real estate as is now in similar cases imposed on personal property; and, likewise, of considering the expediency of imposing a Probate Duty in all cases on the death of the *cestuique* trust (whether the trust property be realty or personalty); in order to substitute such proposed Probate Duty on real estate for some of those taxes which now press most heavily on the productive industry of the people."

Mr. *Trelawny* said: I rise for the purpose of seconding this motion. It appears to me that, considering the vast extent of the landed wealth of this country — a wealth not depending upon the industry of the landed class, but upon the abundance of our capital and the extent of our population — considering that immense portions of the soil of this country are in the possession of persons who can afford to contribute a small additional per centage to public necessities—considering that it was the intention of Mr. Pitt to extend to land the liability to which he had already subjected personal property; and, lastly, considering that the burthens borne by other classes are far greater in proportion to those sustained by land than those borne by the same classes in the most powerful continental states, the claim of exemption from Probate and Legacy Duties supported without injustice to the public at large. Much has been said, in rather vague language, about the exclusive burthens on land, and a Committee of inquiry set up by territorial proprietors cannot be into the subject was some time since proposed; but it was refused by Parliament, not, as malicious people say, because alarm was felt that the unreality of such burdens would be demonstrated, but solely from a modest apprehension on the part of landowners lest, on their full disclosure, the public should be induced to force upon them the acceptance of a largely increased protective duty on corn. Generosity, forsooth, is sometimes so pressing and imperative, that the most rigid disinterestedness can with difficulty repel it, and landlords dreaded being placed in a position in which, inspired by virtuous horror of the very semblance of legislation for a class (a horror which especially influenced their conduct with regard to the Gaming Penalties Bill), they would be forced to assume an ungracious demeanour towards a liberal and truly considerate public. And, yet, so much doubt of the existence of such burthens seems to have been felt in a landlords' Parliament, that a Committee of inquiry on the subject was refused lest the public should be convinced of their unreality. For my part, I believe that in general the only great exclusive burthen on land consists of the impolicy of the occupant. However, it is alleged that these exclusive burthens exist. What are they represented to be? Say some the charges on alienation, and expenses, such as marriage settlements for example. I thought marriage settlements had been represented to be the ground of protective duties on corn—they will, indeed, bear double duty, if they are also made the excuse for exempting land from the charges upon the descent of property in general. But, allowing the plea, let any one examine the list of charges on the transfer of personalty, and the expenses upon entering the learned professions, which ultimately fall on the public, and see if there is not an ample set-off against the alleged exclusive burthens referred to. Why, if a poor tradesman wants to borrow 50*l*. by way of mortgage, it costs him in stamp duty 1*l*. whilst, if a large landowner wants 20,000*l*., the stamp duty only costs him 20*l*. whereas, to be proportionate, it ought to be 400*l*. It has been said that tithe is a burthen on land. What! when property was acquired subject to the liability? The portion of the value of land which becomes tithe is public property, and would certainly never, under any circumstances, return to the pockets of the landowners. Is the highway rate a burthen on land? Certainly not, unless we admit that carts, and ploughs, and other means of enhancing the value of land are really the instruments of its depreciation. Besides, is not the manufacturer compelled to invest large sums in the appliances of his art? Are not his gains uncertain, his speculations hazardous: May not the accident of a moment —a circumstance so seemingly trivial as the smallest alteration in the price of some commodity, frustrate the hopes of a life of care and anxiety? It should be remembered, too, that the landlords have exempted themselves from tolls for some of their own purposes, while the great high-roads which so much enhance the value of the land they approach were opened by possessors of capital, now represented by the holders of turnpike-trust securities. Then, as to poor and county rates, these make out no case for exempting land from the duties in question. House property, the bulk of which is said to be leasehold, and, therefore, personalty, together with mills and factories, has paid during the last century more than half what land has paid. At present, too, the charge on county rates is partly borne by the public in the payments made to the Consolidated Fund. But, even had this not been the case, where would have been the rent of land but for that increase of population, which, while it has increased the charge on land, has also increased a hundredfold the means of bearing it. But are church rates exclusive burthens on land? No; owners of house property are represented to pay two-fifths of the amount of those rates, that is, their full share, when we consider the proportion which the value of house property bears to the value of land. With respect to the land-tax, we all know how this country has been treated by self-elected legislators. We all know that feudal rights involved feudal services, which were commuted for certain payments to the public purse, intended to be proportioned to the value of land at the time being; whereas, in fact, the land-tax remains in the position in which it was settled in 1692, without having advanced, as it should have done, with the increasing value of land since that time. Talk of the special burthens on land! I would ask—and that at the risk of incurring the odium which most deservedly attaches to those who basely appeal to popular passions for private ends—what are the burthens on the labouring classes? How much will the toil of the labourer purchase for him? If he want a pound of tobacco, he must give for it an amount of labour which, were there no duty, would procure him nine pounds. If he want a hundred weight of foreign sugar, he must give, in addition to its price in the market of the world, fifteen days of severe toil, any three of which would kill a Member of this House, and all this over and above so much of the price he pays for coffee, corn, and other articles, as depends upon protective or other duties leviable on their importation. Not only must the labourer work all day, but he must reflect that two-thirds of his labour is wasted to the world—for this is always the case where the market for a particular commodity is only sustained by protective duties. The whole wealth of the state—the whole sum of its enjoyments, is not thus increased but diminished. To the reflecting labourer it cannot but occur, that he might as well, during two-thirds of his period of endurance, and as far as the wealth of society is concerned, climb the tread-mill for the diversion of his employers, as apply his labour in the false directions frequently assigned to him. He must say, within himself, "I could bear this if it benefited my employers; but why exact the pound of flesh when no use can be made of it?" The only intelligible motive of legislators—legislators!—in matters affecting trade, would seem to be a mere design (putting the ends of production out of the question) to keep labour out of mischief. Pity labour cannot now and then return the compliment! Take a large and economical view of all this, and what does it amount to? Simply to this—that the state (in other words, the landed interest —for it may truly say *l'etat, c'est moi*), even when its conduct is most innocent—whilst it acts with the purest intentions, yet acts as if it intended to make the labouring classes work as long and hard as possible with the least possible return in the shape of food, clothes, and comfort, and then flippantly expends on improper projects the little their labour is allowed to raise. However, heavy as the duties on commodities are, whether we speak of the Excise or Customs, they, and not land, support the immense and almost incredible burthens of this country. Let any one examine the items of the public revenue, and he cannot fail to be satisfied of this. Why, sir, so exorbitant are the duties on commodities, and so long have they operated, that there is good reason to fear that hereafter, when they are removed, the people will have lost all taste for the articles taxed, and have forgotten how to use them, from their want of practice. With regard to corn, the only wonder is (especially when we consider how well protectionists reason in general) that they do not carry out their principle of enhancing prices by shortening supply, to its logical consequences, by limiting by law the quantity of acres to be cultivated —or following the famous precedent of certain Dutch colonists, by occasionally destroying a portion of the produce in order to raise the price of the rest! Sir, the last time this subject was discussed, the motion then made was resisted on grounds of repugnance to taxation in general—a part of that mere "ignorant impatience" (as it has been so well designated) which distinguishes some people at the bare mention of a tax, however valuable its purpose. It was said, "We are not going to heap up new burthens upon those which already depress the resources of the country." But how does this very natural antipathy affect the question? Why, the very reason a burthen is unbearable often is its unskilful apportionment. If taxation has reached an intolerable limit, and if public security admit of it, reduce all the taxes, but do not render the aggregate less bearable by refusing an equitable adjustment of the portions of which it is composed. Again, the Legacy Duty was called a particularly offensive one; I see no reason for so regarding it. On the contrary, an abatement from an unexpected sum received is less felt than from a sum upon the full enjoyment of which a man has calculated, and from the loss of a portion of which he might derive much temporary inconvenience. But, even if it can be justly regarded as peculiarly offensive, whilst this objection might be good ground for withdrawing its operation from personal, it is no reason, when it is levied on personal, for refusing to extend it to real property. It cannot be denied that there is one great advantage in a Legacy Duty, that it cannot be avoided. Indirect taxation may be evaded by non-consumption of the articles taxed. Indirect taxation, too, has the inconvenience of disconcerting mercantile speculation, while a Legacy Duty draws from the fountain head, and partakes of the qualities of a property-tax without its objectionable circumstances, and more especially its inquisitorial character. In a speech of the right hon. Baronet the First Lord of the Treasury, on a former occasion, that right hon. Gentleman said, in effect, that a Motion of this sort implied only this—that real property should be subject to the Probate and Legacy Duties upon the same conditions as those upon which personal property was based; that personal property, the subject of settlement, was then exempted from those duties; and, consequently, that if the Motion were carried, and if the conditions on which it was founded were strictly adhered to, all large estates in the country, which were the subject of settlement, would be likewise exempted. But has this argument any force on examination? It is proposed to approximate to an uniformity in one branch of taxation by rendering a new class of property liable to a certain tax. The objection is, that absolute uniformity is unattainable. It is evident that the plea is logically inadequate, and has merely the effect of mystifying what is a little too plain to be pleasing. In every country care should be taken that no law should discourage, beyond what may be absolutely necessary, the influx of capital. The slightest unfairness towards the holders of moveable property re-acts upon the wealth of the State; and that, whether moveable property consists of labour or goods. And it follows from this, and from the fact that any diminution of the wealth and population of the country must operate in lowering the value of land, that the most perfect generosity towards other classes is the true policy of the holders of stationary wealth. It appears that one solid reason for taxing land in the way proposed is, that it would offer to the public some compensation for the disadvantage it suffers from the pertinacious maintenance of the Corn Law by the landed interest. The plan ought to be eagerly caught at by such landlords as are already convinced of the unsoundness of protective duties, and yet entertain a very natural dislike openly to surrender positions, once deemed so strong, as a graceful opportunity of contributing to the aid of those resources their unfortunate policy so materially impairs. And with regard to those landlords who affirm that the sliding-scale enhances the value of their property, who still repose faith in the saving virtues of protection, with what consistency could they refuse to add to the public income a small fraction of that wealth which they maintain protection has created, and protection will maintain? They admit they are exclusively enriched by protection. Can they grudge a fraction of their confessedly factitious wealth to insure the confidence of the public creditor, the security of the State, the conservation of their own order, privileges, and power? If protective duties are a source of wealth, why should it not contribute its quota to public wants? If, on the contrary, these duties are illusory or impoverishing, why not abolish them? Landlords may take which side of the disjunction they please, but one or the other follows from their own admissions. In conclusion, Sir, I must beg seriously to remind the House that it has a character to earn with the country. Its disinterestedness has been impugned, and it is incumbent upon it to take care that the charge receive from its conduct on this occasion a complete triumphant refutation. We must not forget the immense preponderance of landlords in this House; and though it may be admitted throughout the country that the protective measures, so many forms of which have, for considerably above a century, exercised the ingenuity of this House, have been discussed and passed under the influence of considerations of the interest of the public at large; yet, if it appear on inquiry that there are several cases in which there remain on the statute book laws bearing evident marks of favour and interest, and that interest, unfortunately, the interest of the preponderant class in this House, very natural suspicions of the singleness and purity of our views will prevail in the public mind, and possibly be the occasion of irresistible demands of organic constitutional change.

The *Chancellor of the Exchequer* said, that the Motion which the hon. Gentleman had submitted to the House, was one, he believed, that found no precedent on the Journals of that House, and one on which it might fairly be questioned whether a Motion of that nature could properly be made without (we understood the right hon. Gentleman to say) the consent of the Crown. He, therefore, noticed this in the first instance, because he thought it essential that the House should be guarded in the course of this proceeding how far they infringed upon the essential privileges of the Government. It was only in consideration of this resolution stating rather what the House should do on a future occasion, than what it was prepared to do at the instant, that he thought it admitted of his entering into a discussion which, under other circumstances, he should have thought had better be avoided; and, in discussing it, he would reserve the question of its being conformable to the rules or precedents of that House, upon which he had considerable doubt. As this subject had been twice discussed by him in the course of recent Sessions of Parliament, the House would expect as little novelty in the reply he was about to offer, as in the speech of the hon. Gentleman who had introduced it; but, with respect to the point of form, it would be desirable that the House should have the opinion of the right hon. Gentleman in the Chair.

The *Speaker* said, the rule of the House was, that no Motion for a grant of public money could be put from the Chair without the previous consent of the Crown. The proposition, however, of the hon. Member was not of that description, but must be considered as a Duty or Tax to be imposed for the Service of the year. Now, such a Duty ought to be voted in a Committee of Ways and Means, and not in a Committee of the whole House; and it ought not to be proposed unless it could be shewn that the public exigencies required it. He could not call to mind any precedent exactly in point. But, although he was not prepared to say that it was such a Motion as could not be put from the Chair, it was, however, clearly an irregular Motion, and which, not being in conformity with the Rules of the House, the House ought not to entertain.

The *Chancellor of the Exchequer* said,

he was extremely unwilling to place the House in the situation of having an irregular motion submitted to it, and discussed on a future occasion; and probably the better course would be (with every willingness to enter into the discussion) that it should be adjourned, to see how far the precedents, as regarded the business of the House, would affect this Motion. He would suggest, therefore, that the Motion should be postponed to some future day.

Mr. *Elphinstone* would consent most willingly.

Mr. *Hume* thought this was a matter of considerable importance, as involving a declaration, that the House was not now competent to enter into the discussion of the subject. The Chancellor of the Exchequer thought it a novel course. As the case was put it was simply this—that the House should resolve itself into a Committee of the whole House on an early day. It happened every day that it was moved that certain Acts should be read, and that the House should go into Committee to consider them on an early day. The objection taken as to the Committee of Ways and Means might be such, because he supposed that his hon. Friend would propose the abatement of other taxes in proportion to the amount he proposed to raise in this way. The subject had been four or five times discussed in that House, and he had twice moved a resolution to the effect that this duty should be imposed instead of other taxes which the Government were about to lay on—that was a perfectly legitimate course. But he was only supposing the House should go into Committee upon the question whether the House should not consider if they would prefer one tax to another. Having agreed to the imposition of certain duties, it would be wrong for them to add additional taxation; but it would be perfectly right for them to consider whether they should not have substituted one tax instead of another. He thought that was quite right, and he hoped the day was not distant when he should see the House resolving itself into a Committee to consider not only this tax but others. The taxes of the country were most unequal. The rich were favoured whilst the poor were oppressed; and the time he hoped was coming when all other taxes would be considered before a Committee of the House. There never was a tax which showed to the country more of class legislation than this. The House ought to know, that the taxation upon real and personal property was at first embodied in one Bill, but it was divided into two Bills, after considerable discussion. He had it from the individual who drew up the Bill during the Government of Mr. Pitt, that he took it from the model of Holland.

Sir *R. Peel* rose to order. The hon. Gentleman was proceeding to discuss the policy of the Stamp Duties; and the question before the House was, whether or not the hon. Gentleman (Mr. Elphinstone) was competent to make the Motion in the particular form in which he had brought it before the House. It was of very great importance that the House should adhere to established rules. It might be said that this was an unpopular tax, but it did not diminish the danger of the precedent, because they selected a particular tax which they said was unpopular, and departed from the original rule. The Chancellor of the Exchequer might take advantage of such a precedent and impose burthens on the people without going through the regular form. He thought it most important that they should adhere to established rules with respect to the taxation of the country; to depart from the rules would be unwise, but to depart from them by evasion, would be worse than all; the evasion would soon become the rule for future action, and he hoped, therefore, in the first instance, in such matters as these, they would let their Motions be in conformity with the rules of the House.

Mr. *Hume* thought the right hon. Baronet had no right to call him to order. No man in that House was more anxious than he was to maintain the forms of the House. Although there were thirteen opportunities which every Member of the House had to oppose any motion, he defended so great a safeguard. He would concur with the right hon. Baronet, that they should not attempt in any way to evade the established rules of the House; but he thought this was an attempt to smother and get rid of a Motion of importance, and he was proceeding to state why it ought to be discussed, when the right hon. Baronet rose to order; but if they were to have another opportunity of discussing the question, he would be the last man to wish to detain the House by entering at greater length upon the subject then.

Mr. *F. T. Baring* thought that the House ought not to decide the question without due consideration. What the right hon. Gentleman opposite stated was quite true. There were certain rules with respect to taxation, to which it was extremely desirable the House should adhere. But let it not be understood that the discussion of this subject was thereby wholly stopped. The hon. Gentleman might have committed some irregularity in his mode of proceeding, but he had no doubt he would be able to bring the subject under the consideration of the House on a future occasion.

Mr. *Elphinstone* said, he was the last person who would wish to make a bad precedent. He would, therefore, propose that the right hon. Baronet should fix seme day next week when this subject might be fully and fairly discussed.

Mr. *Warburton* thought it better that his hon. relative (Mr. Elphinstone) should move the adjournment of the discussion, and it was but fair that the Government should give him another night for it. His Motion was far more regular than a Motion on a former occasion, when there was a similar discussion—he meant in 1842. The Motion on that occasion was for imposing a Legacy Duty on the succession to real estates, of the same amount as on personal property, and that was more open to an objection, upon a matter of form, than the Motion of his hon. relative, for it proposed that whatever duty was raised upon the one should be raised upon the other; but his hon, relative proposed that they should retain the amount that was now paid on personal property, and impose the like rate on real property. The manner in which his hon. relative had worded his Motion was different; and he thought there could be no objection to an adjournment of the discussion.

The *Speaker* said, he had then the volume of the Journal of the House before him, which contained a report of the proceedings of the House when the duty was imposed; and it appeared that the Probate Duties imposed by the Acts of Parliament referred to in the hon. Member's proposition were originally voted in Committee of Ways and Means. The right hon. Gentleman proceeded to read the Resolution from the Journal, and added that it was highly desirable that the House should pause before it established any new precedent with regard to Motions of this description.

Motion withdrawn.

Postage Stamps.] Mr. *Wallace*, in bringing forward the Motion of which he had given notice on the subject of Postage Stamps, begged to call the attention of the right hon. Gentleman opposite to the Treasury Minutes, a copy of which had been laid on the Table of the House that very day. It would be seen from that Minute, that there were four different ways in which stamped paper was proposed to be used in the Penny Postage system. The forthcoming half-sheets was the third way of making use of the Postage Stamps, but the most important and most useful mode had not yet been carried into effect. The Resolution No. 4, in the Treasury Minute of 26th December, 1839, provided that Stamps should be struck on paper of any description which the public might choose to send to the Stamp Office for that purpose. That mode would afford additional facilities to business. A great number of persons engaged in paper-making and the stationery business had waited upon him and complained of the exclusive employment of Mr. Dickinson's peculiar paper for envelopes, and of the new form in which it was said that paper was coming forward. He disclaimed having had anything to do with bringing out the half-sheets; but he approved of the whole sheets which had been denied. Half-sheets would not give any advantage to the productive classes, especially the working classes; it would but continue that monopoly to the richer classes which they received by his peculiar paper being stamped at Somerset House for the special purpose of making envelopes. He believed the plan would fail; and he called upon Government to apply the fourth minute. There were various ways in which the expenditure at Somerset House might be much better applied than now. One of them would be to give an additional per centage for issuing labels attached to paper by stationers and paper dealers in large or small towns. A vast quantity of small Paper Stamps would thus be used, and the object of increased facility of distribution effected. He begged to move,—

"That full effect be given to the Act, commonly called the Penny Postage Act, by the issue of postage free stamped paper, without restriction as to size or quality—in addition to the use of labels, postage free envelopes, and prepayments at post-offices, as at present."

The *Chancellor of the Exchequer* hoped the hon. Gentleman would not persevere in his Motion. If he was not mistaken, the Treasury Minute to which the hon. Gentleman referred recommended, not that stamped paper should be issued in the first instance, but that simple Label Stamps should be issued, which could be affixed to the paper by the person making use of it. It was very doubtful whether there would be any advantage given to the public by the adoption of the proposal of the hon. Gentleman, equal to the inconvenience to which it would give rise. There was every disposition on the part of the Post Office authorities to accommodate the public; but they did not think it would be advisable to adopt the suggestion of the hon. Member.

Captain *Bernal* could not allow that opportunity to pass without adverting to the objection which was entertained by his constituents, many of whom were paper-makers, to the issue of half-sheets of stamped paper. He could not understand why the hon. Member for Greenock was so anxious to press this matter on the Government. In his opinion, its only effect would be to create a new monopoly in the hands of particular individuals. The public were perfectly satisfied with Dickenson's stamped envelopes, and he hoped he should receive some assurance that it was not intended to issue the stamped half-sheets to any great extent.

Mr. *F. T. Baring* said, that when the late Government had come to consider a proposal for issuing stamped paper, they had found that the plan would give rise to great opportunities for forgery. They had felt greatly alarmed in consequence, and had declined to carry that plan into operation. He was sure that if the system were adopted, forgery might easily take place; in fact, there would be nothing to act as a discouragement to forgery, but the smallness of the sum to be paid. He did not think that the public were much inconvenienced by the present arrangements.

Sir *G. Clerk* said, that the Treasury had felt the full force of the arguments of the right hon. Gentleman. They had felt that it would be impossible to adopt the system of having stamped sheets of paper generally circulated all over the country without running great risks of forgery. He believed, too, that some inconvenience might arise to the poor from the use of stamped paper, as they could not recover the penny for the paper on which they might have written, in case they should not, after the writing, think proper to avail themselves of it. As Mr. Dickenson's paper had already been used to some extent, he had consented to a proposal of allowing stamped half-sheets to be issued instead of being cut up into envelopes. The experiment, however, would be on a very small scale. With reference to the present motion, he would only add that, although many suggestions were received at the Treasury from various quarters, relative to improvements in the Penny Postage, the hon. Member for Greenock was the only person who advocated the issue of stamped sheets of paper.

Mr. *Wallace* said, that as the sense of the House seemed to be opposed to his Motion, he should not press it to a division.

Motion withdrawn.

LAND TAX COMMISSIONERS.] Sir *G. Clerk* moved the second reading of the Land Tax Commissioners Names Bill.

Lord *Worsley* said, he entertained a strong opinion as to the desirableness of avoiding, wherever it was possible, the putting of clergymen on the Commission of the Peace, but he had a much stronger objection to their being appointed as Land Tax Commissioners. In the list sent to him, he found there had been seventeen new names, ten of which were clergymen, and he wished to know from the right hon. Secretary for the Home Department whether it was competent for him (Lord Worsley), as a Member of Parliament, to put a Veto on that list. He did not wish to do anything invidious, nor had he any objection to the individuals referred to, but he thought persons might be found better qualified than clergymen for discharging the duties devolving on the Land Tax Commissioners.

Sir *J. Graham* was not quite prepared to answer the question of the noble Lord; but, speaking from recollection, he (Sir J. Graham) believed the Members for the county had no Veto on those lists, but were merely the channels of communicating them to the House of Commons, with whom the ultimate decision rested.

Mr. *Hume* thought the clergy had

enough to do, without mixing themselves up with secular transactions, and, if he had the power, he should strike out their names when the Bill was in Committee.

Sir *J. Graham* did not believe clergymen were ambitious, or desirous of such an appointment; but it was for the interest of the public that they should act. Hitherto the fact of a gentleman being a clergyman was not regarded as a disqualification.

Motion agreed to.

IRISH NAVAL OFFICERS.] Mr. *French* moved for a return of the names of all persons appointed to command vessels in Her Majesty's service, from the 1st day of October, 1841, to the 1st day of March, 1844, specifying whether each person so appointed be a native of England, Ireland, or Scotland. During that period, he said, upwards of 100 appointments had taken place of persons commanding vessels in Her Majesty's service, and but one Irishman had been appointed. The late Government, who had been accused of favouring their political friends, never pursued such a line of conduct as this. He was sure that the right hon. Baronet at the head of the Government would not sanction any intentional exclusion of Irishmen.

Mr. *S. Herbert* said, it was impossible to comply with the demand of the hon. Member for Roscommon, because it was not the nationality of the persons appointed, but their fitness for office, with which the Admiralty had to do. There was no means, therefore, of complying with the request of the hon. Member; but if he confined his Motion to "a return of the names of all persons appointed to command vessels in Her Majesty's service from the 1st day of October, 1841, to the 1st day of March, 1844," leaving out the specification, he had not the slightest objection to furnish that return.

Mr. *Shaw* was quite sure the First Lord of the Admiralty could not be suspected of being prejudiced against Irishmen.

Return, omitting the specification, ordered.

House adjourned at twenty minutes past twelve o'clock.

HOUSE OF LORDS,

Friday, March 15, 1844.

MINUTES.] BILLS. *Public.*—1^{a}· 2^{a} 3½ per Cent. Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund.

Private.—*Reported.*—Bow Brickhill Estate.

PETITIONS PRESENTED. By the Bishop of Hereford, from Deanery of Burford, against Union of Sees of St. Asaph and Bangor.—From Stamford, respecting their Local Jurisdiction.—By the Earl of Haddington, from Schoolmasters (Scotland), praying for Better Remuneration.

RAILWAYS.] Earl *Fitzwilliam* said, a petition had been entrusted to him, which he believed he could not consistently with the usages of Parliament lay on the Table, but upon which he would beg to found a few observations. It was a petition from some of the inhabitants of Scarborough, against certain provisions of the York and Scarborough Railway Bill, now before the House of Commons. The particular points to which the petitioners objected were, that this branch Railway, which was forty miles in length, was projected by a company whose main line was only twenty-seven miles long; and the next objection, which was a more important one, was against the making this a single line. Many persons thought there was danger, but he was sure there was at least much inconvenience, in having a railway of such length as forty miles, consisting only of a single line. It was true their Lordships had last Session given their sanction to the construction of a railway about the same length in a single line, but he thought that was very injudicious, and hoped they would not strengthen the practice by repetition, for if they sanctioned such a principle no lines would ever be made double, because, of course, the single line was cheaper and more convenient to the projectors. He could not help expressing his strong wish that the Executive Government of the country would take into their serious consideration the whole question of the system of Railways throughout the country. He was satisfied that even now, after the number of Railways that had been made, the Government could most efficiently and usefully undertake the conduct of the others. His notion would be that they should issue a commission to survey the country, and to determine what were the points which required to be connected by means of railway communication, and then to lay down the lines, and after that to leave it to individuals to execute them. He was not desirous that the Government should undertake the formation of lines of Railway, but he thought enormous expense and a vast deal of ill-feeling would have been saved if they had originally undertaken the control of them to the extent he had stated, for if a landowner residing in the country were told on the authority of the Government that a particular railway, though inconvenient to him, was of importance to the country, he would, if he had any good feeling, readily submit; but he was not likely to be so complaisant if the persons with whom he had to deal were speculators who projected railways, not for the interest of the public, but merely that they themselves might be able to gamble in the shares in the market. There was a line of importance now in contemplation — the line through Cambridge to the North of England, which would shorten the distance between York and London by twenty or thirty miles, but since that Railway was projected, there had been movements on the part of a great company to give to the people of Lincoln such a modicum of railway communication as would render them less anxious for that original line: such were the projected lines from Swindon to Gainsborough and Lincoln, and from Nottingham to Lincoln. He had no doubt the Committee now appointed in the other House had every desire to do what was right, but as the Government had the power to do whatever they pleased, he thought the appointment of such a Commission as he had suggested would be of great service.

The Duke of *Wellington* was understood to say that the whole subject would be taken into consideration, with a view to an inquiry into the means of increased accommodation to the public.

THE REV. HERBERT MARSH.] Lord *Campbell* said, he wished briefly to notice some observations which had, on a preceding evening, fallen from the right Rev. Prelate (the Bishop of Peterborough), relative to the case of the Rev. Mr. Marsh; and he did so for the purpose of setting the question right with respect to the law as it affected that case. The right Rev. Prelate had stated, that he could not interfere on account of the provisions of the Church Discipline Act, the operation of which was confined to offences committed within the diocese where the preferment held by the accused party was situated. He did not mean to refer to the general law on the subject, but he felt it necessary to point out what was the operation of the particular measure alluded to, because he had the honour of being Attorney General at the time it was enacted; and if its operation were such as had been stated, then he, and all the Members of both Houses of Parliament who had concurred in it, were liable to considerable discredit. One reason assigned by the right Rev. Prelate for not proceeding was, that if the offence were committed out of the diocese where the party held preferment, he was prevented from acting, and the offence might be committed with impunity. On referring to the Act it would be found that wherever the offence was committed, the Bishop of the diocese in which it was committed was authorised to issue a Commission to inquire into it; but it did not stop there, for by the 13th section of the Act, in every case the Bishop of the diocese in which the preferment lay might, if he pleased, refer the case to the Court of Arches, in the province of Canterbury, and to the Supreme Court, in the province of York, and if the right Rev. Prelate had considered this a fit case, he might by letter of request, have referred the case to Sir Herbert Jenner Fust, and evidence would have been taken upon it, whether the offence had been committed in the diocese of Peterborough, the diocese of London, or as he conceived, in any part of the world. He was glad to have an opportunity of stating that in this respect the Church Discipline Act was properly framed, and that the scandal which was supposed to have arisen out of the circumstances in question was not to be imputed to the existing state of the law.

The Bishop of *Peterborough* said, he was obliged to the noble and learned Lord for having stated what the law was on this subject; and for having shewn that there is a provision in the Church Discipline Act, by which a Bishop may proceed against an offence, though not committed in his own diocese. The statement which he had made in their Lordships' House was certainly the impression of his own mind on the subject. It appeared that he was in error on that point. When the subject was last brought to their Lordships' notice, he was, as it were, taken by surprise. The noble and learned Lord and the House would bear in mind that he (the Bishop of Peterborough) said, that the question of time was in itself conclusive, the Act of Parliament excluding all cases of offence committed more than two years ago; and the offence of Mr. Marsh had been committed four years ago. The opinions which he (the Bishop of Peterborough) had expressed, were entertained by many persons besides himself, who had not given the subject that deep consideration which the noble and learned Lord had done. As he had before said, the question of time—viz., four years having elapsed since the offence was committed—was one which of itself put a stop to all proceedings. Their Lordships would recollect, that he gave three different reasons, which, according to the Act, prevented his proceeding; namely, the time, — and the offence having been in another diocese, and the fact of the benefice being in his own patronage. He frankly admitted to their Lordships that he had felt something like an unwillingness to proceed against a clergyman when he was accused by a person of ill fame for an act committed four years ago. The fact of the accusation was all he knew of the case at first, and when further inquiries were made he was told that Mr. Marsh had paid a visit to this unhappy woman at Paris four years ago. Under these circumstances, while there was living in the parsonage an aged and excellent mother in a very precarious state of health to whom any agitation might have been fatal, he had felt thankful, and he was sure their Lordships would enter into his feelings—he had felt thankful that there was an opportunity given him to be backward in this case until something more came to light which would justify him in proceeding. Some persons seemed to think that he had known all that came out on the late trial; on the contrary, however, a great portion of it was altogether unknown to him; so much so, that he was perfectly astonished when he read the complete disclosure. The utmost he had been led to suppose that was laid to the charge of Mr. Marsh was described as "an occasional visit and intercourse" with this woman in Paris four years ago; but on his own confession it appeared that he was in the habit of visiting houses of the same description in London; and he now felt himself pressed by his right rev. Friends, by their Lordships, and by all who had regard to the character of the clergy, to proceed in a manner he did not feel before; and the noble and learned Lord had shown a method by which this might be done,—by bringing the case before the Archbishop's Court. Still there was the great obstacle — the time. There were many difficulties in the existing state of the law. A Bishop might give a licence of non-residence to a clergyman for certain reasons, such as personal ill-health, the illness of a wife, or a very near relation; and supposing a person applied for non-residence whose case did not come under any of these heads, still a licence might be obtained by application through the Bishop to the Archbishop of Canterbury. Now, if a clergyman whose example in his parish was bad, and whose presence was altogether useless, applied, a Bishop naturally felt an inclination to give a licence for non-residence; whereas a person of character, performing his duty regularly and well, could not obtain it. There was certainly something in that case that seemed rather strange. Again, suppose a living was worth only 140*l.* or 150*l.* a-year, the curate might take it all,—and not too much; but suppose it were worth 900*l.* a-year, the non-resident might put the whole in his pocket, allowing the curate only 150*l.* But, however contradictory these things might appear, there was one great consolation he had in believing and knowing that such cases as that of Mr. Marsh were very rare. When this case came before the public, some people said, "See what things take place in the Church;" but the very excitement which had been caused, in this great town, and the attention which their Lordships had given to the case, showed that such cases were very rare. Such cases where laymen were concerned might occur and no notice be taken of them at all; and the notice they attracted when clergymen unfortunately were the parties to be blamed is itself an argument of their rare occurrence. Indeed, he thought it might fairly be urged as a ground for excusing the ignorance he had shown on the subject, that Bishops were so seldom called on to investigate such charges; and he believed if the offence had occurred in any other diocese, his right rev. Brethren would have happily been as inexperienced as he was. He certainly had been under the impression that it was only when the offence was committed within his diocese that the Act enabled a Bishop to interfere. Although a difference of opinion on some points of more or less importance might prevail among the clergy, yet immorality among them he believed to be rare; and he should feel indeed distressed if such charges could be brought before the public as at all affecting the general character of the clergy. Immorality had been the exception, not the rule; and, instead of the Church falling off, it was improving in its character and increasing in its efficiency every day, to which most important end the mode in which some of their Lordships had exercised their patronage had in no small degree contributed. He deeply lamented that such a case should have occurred, but he repeated it was a rare occurrence, and he trusted it would become still rarer. He should not have troubled their Lordships with this statement but for the observations of the noble and learned Lord, for whose explanations he felt most thankful.

Lord *Lilford* was understood to say that discussions of this nature, as far as they affected the character of a body, had better be suffered to sink into oblivion. But he wished to state the reason why he had taken the liberty of originating this subject. He had put a question to the right rev. Prelate, because he felt it important that there should be a denial of a report which he had seen in the newspaper of the day, and which was to the effect that "this man continued, and continues, with the connivance of his Bishop, to preach the gospel—to administer the sacraments, and to appear as the authorized representative of the English Church—the guardian of souls, the guide of consciences to an English congregation." He thought, after the explanation which their Lordships had heard, they would consider that the course taken by the right rev. Prelate was the only one that he could have taken, and he trusted they would acquit him (Lord Lilford) of any unnecessary interference.

House adjourned.

HOUSE OF COMMONS,

Friday, March 15, 1844.

MINUTES.] BILLS. *Public.*—2°. Indemnity; Land Tax Commissioners Names.

3°. and passed:—3½ per Cent. Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund; Teachers of Schools (Ireland).

Private.—1°. Ayr Bridge; Blackburn and Preston Railway; Marianski's Naturalization; Paisley General Gas; Schuster's Naturalization.

2°. Haltwhistle Inclosure; Glossop Market; South Eastern and Hastings Railway; Coventry Waterworks; Ashton, Staleybridge, and Liverpool Junction Railway.

Reported.—Birmingham Canal Navigation.

PETITIONS PRESENTED. From Manufacturers of Tobacco and Snuff, for Reduction of Duty thereon.—From Neilston, and Paisley, for Extending Factories Act to Bleaching Works. — From Macclesfield, and 7 places, for Exempting the Silk Trade from Factories Act. — From Burnley, and 17 places, in favour of the Ten Hours Clause.—From Great and Little Bolton, in favour of an Eleven Hours Clause. — From Soothill, Nether, and 18 places, against the Factories Bill. — From Merchants, respecting Carriage of Goods on Railways.—From Retail Stationers of London, against issue of Stamped Paper for Postage.

ECCLESIASTICAL COURTS (IRELAND).] Sir *H. W. Barron* wished to ask, whether the Government, after all the reports which had been made, and discussions which had taken place, for the last twenty-five years, was prepared to bring in any measure for remedying the gross abuses of the Ecclesiastical Courts in Ireland.

Sir *R. Peel* said, that the jurisdiction of the Ecclesiastical Courts in Ireland properly belonged to the Lord Primate. But the Lord Primate had stated, when the vacancy occurred last year in the Judgeship of the Prerogative Court, that he was perfectly ready to waive his right to the appointment, and leave it to the nomination of the Government. When that appointment was made by the Government it was accompanied by a distinct stipulation that it was subject to any alterations that might be made in the constitution of the Court, and if there should be an increase of duties thrown upon that officer, he was not to be entitled to an increase of salary. That appointment was made towards the close of last Session, and that functionary was now in communication with the Government on the subject of projected alterations in the Ecclesiastical Courts.

IDOLATRY IN INDIA.] Sir *R. H. Inglis* would take that opportunity of putting the questions of which he had given notice, in reference to the measures taken by the British Government, with respect to idolatry in India. The House might recollect that he had put some questions, in the course of the last Session, with regard to the separation and disconnection of the European servants of the East India Company from all interference with Mahomedan mosques and Hindoo pagodas, and with the management of the lands belonging to them, and also as to whether steps had been taken to stop the pension or allowance granted to the idol of Juggernaut. The answer was perfectly satisfactory with regard to the Presidency of Bombay, and all but satisfactory with regard to that of Bengal. But it was not satisfactory with regard to that of Madras. What he wished now to ask was, whether all connection of the European servants of the Company with idolatrous or Mahomedan worship had been everywhere discontinued? Whether it had not been referred to the authorities in India, as to whether a pledge had or had not been given, when the territory became British, of continuing the allowance to the idol Juggernaut, and whether the answer were, that no pledge to continue that allowance had been given? He also wished to know, whether his right hon. Friend would have any objection to lay on the Table of the House the despatch which had been sent with the pamphlet of Mr. Strachan to the Governor General.

Sir *R. Peel* said the House might recollect that it was stated in the pamphlet of Mr. Strachan that 60,000 rupees were paid by the Indian Government for the support of the idol of Juggernaut in consequence of a stipulation to that effect, and he also stated, that the pilgrimages in honour of the idol were sanctioned by the Indian Government—and that the police were in the habit of forcing reluctant persons to assist in drawing the car of Juggernaut. A copy of the pamphlet was immediately transmitted to the Governor General. He had no objection to communicate the despatch which had been sent on the subject by the Court of Directors. On seeing the despatch, his hon. Friend would be best able to judge how the matter stood as far as regarded the British Government. With regard to the continuance of the assistance of the servants of the company at the pagodas, he had to state that in Bombay a committee was appointed, which took the management of the lands out of the hands of those who managed them before. The same rule prevailed in the Government of Bengal. He was not enabled to state exactly what had been done in the Government of Madras; but he hoped that the arrival of the next mails would enable him to inform the hon. Gentleman of the steps which had been taken by the Government of India on this subject. He should be prepared to lay on the Table all the correspondence relating to the subject.

EXCLUSION OF ROMAN CATHOLICS FROM JURIES.] Mr. *Bellew* rose to put the question to the noble Lord the Secretary for Ireland, of which he had given notice, on the subject of the exclusion of Roman Catholics from Juries in Ireland. In the recent trial in the county of Monaghan, of the "Queen *v.* O'Halloran, M'Kenna, and others," which was a charge of Ribbonism, there were twenty Jurors returned, of these eight, being Catholics, were challenged by the Crown. The result was, that of the twelve Jurors sworn, only one was a Roman Catholic, and the general impression on the public mind was, that the Catholic Jurors had been challenged solely on account of their religion. In that case, there was no question of Repealer or anti-Repealer; the case was one merely of Ribbonism. He wished to ask if the noble Lord could state why the Catholic Jurors had been thus struck off. He also wished to put a question respecting the employment of the Crown witness. It appeared that the the Crown witness had been employed as an approver before the late assizes. He had been out on bail, and during that time, and while he was in communication with the police, he had continued to attend Ribbon Associations, and he had admitted that he had taken an oath of secresy at a meeting of a Ribbon Association since he had been in communication with the Law Officers of the Crown. He wished to ask the noble Lord how it happened that the Crown had excluded from the Jury all Roman Catholics except one, and how they could justify the employment, as the approver and principal witness for the Crown, of a person so calculated to bring the execution of the laws into disrespect?

Lord *Eliot* regretted that he was not in a position to give so full and satisfactory an answer to the hon. Gentleman's questions as he could wish. On the day on which the hon. Gentleman had given notice of his intention of asking the questions he had written to the Crown Solicitor on the North-Eastern Circuit on the subject. He had received an answer from that Gentleman stating that he was still on the Circuit, and had not the papers with him which would enable him to return a satisfactory answer, but that he should return to Dublin on Wednesday, when he would furnish the necessary papers; but he declared at the same time, as a Gentleman, that no Juror had been set aside solely on the ground that he was a Roman Catholic, but that he should be able to assign good and valid reasons for the rejection of every one that he had set aside. The hon. Gentleman must be aware that the instructions on this subject issued by Chief Justice Brady in 1839, and which had been laid on the Table of that House, were still in force, and the Attorney General for Ireland, and the other Law Officers of the Crown in that country, had addressed circulars to the Crown Solicitors on the various Circuits, requesting that those directions should be strictly adhered to; so that if there had been any deviation from those instructions the responsibility rested with the Crown Solicitor, and not with the Government. Mr. Maxwell, the Crown Solicitor alluded to, however, was a gentleman of high respectability. He had been appointed in 1831, by the Marquess of Anglesea, and had held the office ever since, having given satisfaction to the different Governments, and he would not believe that he had failed to exercise a judicious discretion in the present instance. With regard to the last question, as he had received no notice from the hon. Gentleman on the subject, he was not in a condition to return an answer.

RAILWAY COMMITTEE.] Mr. *Wallace*, in accordance with the notice he had given, rose to inquire of the right hon. the President of the Board of Trade: 1. Whether the proceedings of the Committee on Railways will show the House, by evidence or calculation, the average cost per mile at which passengers, goods, live stock, &c., may be conveyed in future on new lines of Railway, with a reasonable profit to the Company and justice to the people. 2. Whether evidence will be taken to show the present cost of conveying Her Majesty's Mails by Railway: and the cost at which these might be carried, were the Postmaster-General to send the Mail bags as luggage or goods, along with a guard in charge of them. 3. Whether evidence will be taken to determine, if the Postmaster-General were to provide an establishment of engines for conveying the Mails along Railways, together with carriages for passengers, as has been recommended in the sixth Resolution in the first Report to this House on Railways, which was printed March 28, 1838, there would be any difficulties made, or obstructions thrown in the way by the Directors of the great Railway lines having their termini near London, to the Postmaster-General following out the aforesaid recommendation. 4. Whether evidence will be taken to show why a Clause should not be inserted in each Railway Bill now before Parliament, empowering the Postmaster-General to command that passenger carriages shall be attached to every special train which he may require for the public service, with a view to lessen the charge which special trains cost the Post-Office department, when sent without passengers. 5. Whether it is intended, with a view to economy and regularity in the conveyance of Her Majesty's Mails, to take evidence to show the detriment to the public service, and to the interest of the nation generally, which may arise from Railway Companies having the power longer continued, through by-laws or otherwise, to interrupt or altogether stop the traffic on Sundays. 6. Whether for the information of the public generally, and the Railway department of the Board of Trade especially, it has not become requisite to take evidence to show that all Railway Companies shall periodically in future, furnish to the Board of Trade a debtor and creditor account, drawn out on a simple but uniform plan, of their half yearly receipts and expenditure. His object was to obtain some information as to what was going on before the Committee up stairs.

Mr. *Gladstone* was aware of the anxiety which existed upon the subject; but was sorry that the rules of the House, as well as the convenience of the Select Committee themselves, did not permit a disclosure of their proceedings, while those proceedings were still going on. He could only, therefore, answer the hon. Gentleman's questions generally. If, however, it was consistent with the rules of the House to refer to what was doing in the Committee, he did not think their proceedings were likely to supply any answer to the hon. Gentleman's inquiries. That Committee was appointed not to examine all particulars in respect to the management of Railways, but to consider what amendments might be made in the Standing Orders, and what general arrangements and rules might be adopted for the public convenience, as between the Parliament and the Railway Companies. Now, with regard to the first question of the hon. Gentleman, it was not possible for the Select Committee to give the average cost per mile at which passengers, goods, live stock, &c., might be conveyed on future lines of Railway with a profit to the Company, because there was no general standard upon which such an average could be fixed on new or old lines of railway. The cost per mile at which the Company could be fairly remunerated must depend upon the particular circumstances of the line. Then as to the second and third questions, which referred to the Post Office Department, those were rather matters for the consideration of a Committee on that department than for a Railway Committee. The Committee on Railways had received the representations of the departments of the public service interested in the question, so far as the Post Office was concerned, and it was not likely that they would go further than that department of the Government might urge upon them. The fifth question fell under the same category:—whether it was intended, with a view to economy and regularity in the conveyance of Her Majesty's mails, to take evidence as to the detriment to the public service and to the nation resulting from Railway Companies having the power to stop the Sunday traffic? He could not say that the Committee had any such intention, and, so far as his own opinion went, he should be sorry, where there was any disposition on the part of the Railway Companies to make such regulations, for the House to interfere to prevent them. Then the hon. Gentleman asked him if it was not desirable that Railway Companies should furnish periodically a debtor and creditor account to the Board of Trade of their expenditure and receipts made up half-yearly? His answer to that question was, that he did not think it had become desirable that any such regulation should be made. Parliament had not yet adopted, nor was it likely to adopt, the principle that any public supervision of the amount of profits which parties who had embarked capital on the faith of Acts of Parliament were realising; so far as public opinion went, he thought the system of publicity which was now given to all matters of railway account was sufficient, and gave general satisfaction.

CLERKS FEES IN COURTS OF LAW.] Mr. *Escott* said, it would be remembered that in the course of the previous Session he had called attention to a statement which had appeared, of certain illegal Fees, that were demanded and received by the Clerks of the Crown Courts, the Clerks of Assize, the Clerks of the Peace, and the Clerks of Quarter Session, in various parts of the country. Opinions were then given, and declarations made by his right hon. Friend, the Home Secretary, and the noble Lord, which he had hoped and expected would put an end to the practice. At the close of the Session, it would be recollected, that he had moved for a return of the amount of the Fees taken by those officers during the preceding year, and, from that return, it appeared, that in twenty counties the practice was abolished, but thirty-two still retained it to a greater or a less extent. The practice was this—the Clerks of the Assize and the Clerks of the Peace demanded a sum of money from every defendant who was called upon to plead, before they permitted him to plead not guilty, and take his trial. This practice was contended for on the ground, that because under an Act of Parliament, the Justices of Petty Sessions were impowered to retain the amount of the Fees to be demanded in all cases brought before them; therefore, they, the Clerks, were entitled to make these demands upon the defendants in every case. He was quite sure this practice never would have endured if its existence had been generally known. And when he called the attention of the House to the subject last year, he believed there was not more than one or two Members of that House who were aware that such a practice existed. The Members of the Government were ignorant of it, and the Law Officers of the Crown were ignorant of it; and he (Mr. Escott) believed that there was no case in which those Fees had been demanded and obtained from the defendant, that an indictment for extortion would not lie against the officer by whom the demand was made. What he wished on the present occasion was, that his right hon. Friend (Sir J. Graham) would restate the opinion he had given last year against this abominable and unjust practice; and, further, that if it should continue to exist, that he would exert the executive power of the Government to put it down. For no legislation was necessary—the law as it stood being sufficient to free Her Majesty's Courts of Justice from this foul stain.

Sir *J. Graham* said, the practice to which his hon. and learned Friend had referred was without doubt most objectionable, but it was by no means a common one in the country. And his hon. Friend had truly stated, that if it were illegal there was a legal remedy against those Clerks of the Peace who persisted in it. He was not so presumptuous as to suppose that any opinion of his, on a point of pure law, could have any weight with the Court, but he did believe, that the practice was altogether at variance with the principles both of law and justice, that a defendant should be called upon to pay anything to prove his innocence, or be mulcted of any Fees, in order to his being tried by a Jury, and he was bound to say, that to levy any thing under such circumstances, did partake of the character of extortion. It was open for the Justices of Petty Sessions, to examine and regulate the Fees charged—but subject to the principle that the Fees claimed must be originally legal—and what his hon. and learned Friend had stated, that until he called attention to the subject last year, the Law Officers of the Crown, and Legal men generally, were ignorant of the practice, sufficiently proved that the Fees to which he had alluded were illegal.

HOURS OF LABOUR IN FACTORIES.] House in Committee on the Factories Bill.

On Clause 2, the interpretation Clause being proposed,

Lord *Ashley* rose to propose the amendment of which he had given notice.

> "That, the word 'night' shall be taken to mean from six o'clock in the evening to six o'clock in the following morning; and the word 'mealtime' shall be taken to mean an interval of cessation from work for the purpose of rest and refreshment, at the rate of two hours a day, with a view to effect a limitation of the hours of labour to ten in the day."

The form of my amendment (said the noble Lord) requires some preliminary explanation. I move it in its present shape at the suggestion of my right hon. Friend and the Government, though I fear that in adopting that course I subject myself to some disadvantage. The House will allow me at the outset to explain my amendment. I propose that the word "night," in this Clause, shall be taken to mean from six o'clock in the evening till six on the following morning, that will leave twelve clear hours during which work shall cease, and I propose further, that out of the twelve hours of day, there shall be two hours during which there shall be a cessation of labour; but that no person shall be affected by this amendment, except those who, under Clause ten, are guaranteed against night-work, children, and young persons under thirteen years of age. If I succeed in this amendment it will be necessary to make some corresponding alteration in the eighth Clause. The tenth Clause I propose to leave, as that will afford an opportunity of giving some relaxation through the summer months. During the winter months, that is from the 15th of October to the 15th of March, hours of labour are not to exceed ten, two being for meals; but during the summer months, that is from the 15th of March to the 15th of October, the hours to be twelve and two for meals, making fourteen in the whole. Now, I would say with a view to conciliate opposition, that though I shall be ready to propose, as I intend to do, to limit the labour of all young persons and children to ten hours in each day, I am yet willing to obtain that object in parts and by degrees; that is, I propose to limit the hours of labour for such persons to eleven hours a day from the 1st of October in the present year, and ten hours a day from the 1st of October, 1845. Nearly eleven years have now elapsed since I first made the proposition to the House which I shall renew this night. Never, at any time, have I felt greater apprehension or even anxiety; not through any fear of personal defeat, for disappointment is "the badge of all our tribe;" but because I know well the hostility that I have aroused, and the certain issues of indiscretion on my part affecting the welfare of those who have so long confided their hopes and interests to my charge. And here let me anticipate the constant, but unjust accusation that I am animated by a peculiar hostility against factory masters, and I have always selected them as exclusive objects of attack. I must assert that the charge, though specious, is altogether untrue. I began, I admit, this public movement by an effort to improve the condition of the factories; but this I did, not because I ascribed to that department of industry a monopoly of all that was pernicious and cruel, but because it was then before the public eye, comprised the wealthiest and most responsible proprietors, and presented the greatest facilities for legislation. As soon as I had the power, I showed my impartiality by moving the House for the Children's Employment Commission. The curious in human suffering may decide on the respective merits of the several reports; but factory labour has no longer an unquestionable pre-eminence of ill fame; and we are called upon to give relief, not because it is the worst system, but because it is oppressive, and yet capable of alleviation. Sir, I confess that ten years of experience have taught me that avarice and cruelty are not the peculiar and inherent qualities of any one class or occupation—they will ever be found where the means of profit are combined with great, and, virtually, irresponsible power—they will be found wherever interest and selfishness have a purpose to serve, and a favourable opportunity. We are all alike, I fully believe, in the town and in the country, in manufactures and in agriculture—though we have not all of us the same temptations, or the same means of rendering our propensities a source of profit; and oftentimes, what we will not do ourselves, we connive at in others, if it add in any way to our convenience or pleasure. Look at the frightful records of the London dressmakers—for whom do they wear out their lives in heart-breaking toil? Why, to supply the demands and meet the sudden and capricious tastes of people of condition! Here is neither farmer nor manufacturer at fault, the scene is changed, and the responsibility too—we must ascribe it entirely to the gentler sex, and among them not a little to our own intimacies and connexions. And here it is just to state, that if I can recite many examples of unprincipled and griping tyranny, I can quote many also of generous and parental care, and of willing and profuse expenditure for the benefit of the people. If there are prominent instances of bad, there are also prominent instances of good men. I will suppose for the sake of argument, that all are the victims, rather than the causes of the system; but whatever the cause, the condition inflicts a great amount of physical and moral suffering. I know I am arousing a fierce spirit of reply; be it so—" Strike me, but hear me." I shall altogether leave to others that part of the question which belong to trade and commerce. I am neither unwilling, nor perhaps, unable, to handle it; but I desire to keep myself within the bounds that I have always hitherto observed in the discussion of this matter, and touch only the consideration of the moral and physical effects, produced by the system, on the great body of the work-people. I am spared too the necessity of arguing the propriety or impropriety of interfering to regulate the hours of labour for persons under certain ages; the principle has long been conceded, and acted on by Parliament: our controversy can relate only to the degree in which it shall be carried out. I have never omitted an opportunity of asserting the claim I ventured to put forward nearly eleven years ago; and I return, therefore, this evening, to my original proposition. Sir, I assume as one ground of the argument, that, apart from considerations of humanity, which, nevertheless, should be paramount, the State has an interest and a right to watch over, and provide for the moral and physical well-being of her people: the principle is beyond question; it is recognised and enforced under every form of civilised Government. See what is done by the powers of Europe. Now, what has been determined by Russia in this matter? In a dispatch addressed some time ago by, I think, Count Nesselrode, to the then Secretary of State for Foreign affairs of this country—the noble Lord, the Member for Tiverton (Lord Palmerston), this subject is alluded to, and it is stated that, " the emperor admits the necesssity of supervision—considering," says the memorandum by the Minister of Finance, " that the number of children occupied in spinning mills is likely to increase every year, the Imperial government deemed it indispensable to take such preparatory measures as will lead to legislative enactments hereafter." Then follow many regulations respecting the moral and physical treatment of the children. In Austria, " the hours of labour are cruelly long, often fifteen, not unfrequently seventeen hours a-day. The question of shortening the labour of children is under discussion." In Switzerland, the regulations are very strict: " In the canton of Argovia, no children are allowed to work, under fourteen years, more than twelve hours and-a-half; and education is compulsory on the mill-owners." In the canton of Zurich, " the hours of labour are limited to twelve; and children under ten years of age are not allowed to be employed. The clergy are the inspectors, and the system of inspection is very rigorous." In France a bill has been framed almost on the same principles as our own, with the same restrictions. The system is, however, but imperfectly carried out, on account of defective machinery, but the principle is recognised; there are 1,200 unpaid inspectors. In Prussia, by the law of 1839, no child who has not completed his or her sixteenth year, is to be employed more than ten hours a-day; none under nine years of age to be employed at all. Now, if foreign powers consider it a matter both of duty and policy thus to interpose on behalf of their people, we, surely, should much more be animated by feelings such as theirs, when we take into our account the vast and progressively increasing numbers who are employed in these departments of industry. See how it stands: in 1818, the total number of all ages, and both sexes, employed in all the cotton factories, was 57,323. In 1835, the number employed in the five departments—cotton, woollen, worsted, flax, and silk, was 354,684. In 1839, the number in the same five departments was 419,590: the total number of both sexes under eighteen years of age, in the same year, was 192,887. Simultaneously, however, with the increase of numbers has been the increase of toil. The labour performed by those engaged in the processes of manufacture, is three times as great as in the beginning of such operations. Machinery has executed, no doubt, the work that would demand the sinews of millions of men; but it has also prodigiously multiplied the labour of those who are governed by its fearful movements. I hope the House will allow me to go through several details connected with this portion of the subject; they are technical, it is true; but, nevertheless, of sufficient importance to be brought under your attention. In 1815, the labour of following a pair of mules spinning cotton yarn of Nos. 40, reckoning twelve hours to the working day, involved a necessity for walking eight miles; that is to say, the piecer, who was employed in going from one thread to another in a day of twelve hours, performed a journey of eight miles. In 1832, the distance travelled in following a pair of mules spinning cotton yarn of the same numbers was twenty miles, and frequently more. But the amount of labour performed by those following the mules, is not confined merely to the distance walked. There is far more to be done. In 1835, the spinner put up daily on each of these mules 820 stretches; making a total of 1,640 stretches in the course of the day. In 1832, the spinner put upon each mule 2,200 stretches, making a total of 4,400. In 1844, according to a return furnished by a practised operative spinner, the person working puts up in the same period 2,400 stretches on each mule, making a total of 4,800 stretches in the course of the day; and in some cases, the amount of labour required is even still greater. The House will now, probably, like to know how I have arrived at these conclusions. The calculations on which they are founded, have been made by one of the most experienced mathematicians in England. At my request he went down to Manchester, and himself made the measurements and calculations upon the spot. The measurements, I should state, were made in five different mills, spinning, respectively, yarns of the following numbers:—14, 15, 30, 38, and 40. In the mill spinning, No. 14 yarns, the least distance possible to be travelled over was seventeen miles per day; the greatest, possible, twenty-seven miles. In that spinning No. 15 yarns, the least distance was nineteen—the greatest twenty-nine miles. In that spinning 30, the least distance was twenty-four—the greatest thirty-seven miles. In that spinning 38, the least distance was fifteen—the greatest twenty-three miles; but this was a machine of an old construction. In that spinning 40, the least distance was seventeen—the greatest twenty-five miles. Now, the mules which are to be followed, advance and recede—as they advance the yarn is elongated;—and, by bearing this in mind, hon. Gentlemen may see how the calculations were made. The yarn is stretched in elongated threads, and the calculations were made thus:—In the first case, the least, the assumption is, that only one thread would be broken in each movement of the mule. In the second case, that which shows the greatest amount of labour, the calculation is made upon the assumption of four threads being broken. Now, it is almost impossible that only one thread shall be broken; and, on the other hand, it is very improbable that four threads should be in the same condition. We may, therefore, discard these extreme suppositions, and take the average of supposing two threads to be broken. On this assumption, then, the following will be the distances travelled:—In a mill spinning No. 14 yarns, twenty-two miles; No. 15 yarns, twenty-four miles; No. 30 yarns, thirty miles; No. 38 yarns, nineteen miles (old machine); and No. 40 yarns, twenty-one miles. While these calculations were in progress, the machinery was not driven at its full speed; it might have been impelled at one-third, at least, of greater velocity. But this is not all—there is another portion of the labour which is very oppressive, particularly to young persons—and to show its character, I will read a note made by the measurer upon the spot.

> "I may also suggest that in estimating the fatigues of a day's work, due consideration should be given to the necessity of turning the body round to a reverse direction not less than from four to five thousand times in a day, besides the strain of continually having to lean over the machine and return to an erect position."

The House will be aware of the great strain requisite, after leaning over the machinery, in bringing the body back to an upright position—it often happens, indeed, that the body is bent forward in the form of a right angle. Now, in the fine mills, spinning for instance No. 100 yarns, the distance travelled will be far less. It will only be fourteen miles; but then the House must bear in mind that though the distance is less, the labour is equal, and in some respects greater. The exertion of leaning over the machinery is in these cases much increased, by reason of the more frequent breakages, and consequent toil in repairing them. Some of the measurements to which I have alluded were made in the mill of a gentleman named M'Connell, to whom I must express my obligation for the kindness with which he offered every facility to the gentleman who went down to the manufacturing districts for the purpose. Mr. M'Connell stood by the measurer, and made calculations simultaneously with him. At the close of the work, they compared notes; and it was found that Mr. M'Connell's measurements gave a less distance than those of the mathematician. But when they came to inquire into the reason of this difference, it was found that Mr. M'Connell had left out of his calculation all the diagonal movements. He had calculated only the straight movements, without reckoning the immense number of paces which the piecer has to make on either side. Now, these calculations are substantiated by those of several practical men. The hon. Member for Oldham has himself measured in his own mill the distances travelled by the piecers; and the results of his observations he published in a pamphlet in 1836. The distance laid down by the hon. Member, is twenty miles. But I have still another authority. I submitted the case to the operative spinners of Manchester; and I have a document here, signed by twenty-two of these men, in which they state that twenty miles is the very least distance travelled, and they believe it to be still greater. I have another document sent to me in 1842, by another set of operative spinners, confirming what I have said, and stating that the labour is progressively increasing—increasing not only because the distance to be travelled is greater, but because the quantity of goods produced is multiplied, while the hands are, in proportion, fewer than before; and moreover, because an inferior species of cotton is now often spun, which it is more difficult to work. Well, now, I know that the measurements which I have stated to the House, have been disputed by a mill-owner of great respectability—by Mr. Gregg, a very well-known gentleman, with large capital, who carries on one of the most extensive concerns of this kind in Europe. This gentleman published his contradiction to the statement which I have made, in which he estimated the distance at eight miles; and I submitted it to the same mathematician who made the original calculation. The moment he looked at it, he said, "It is altogether inaccurate; Mr. Gregg cannot know anything of the matter;" and after speaking of the details, he thus sums up the question:—"Referring the matter to scientific considerations, Mr. Gregg's table must either be the result of some strange and most grievous blunderings, or of a gross perversion of observed facts, which though extremely rude and ill-chosen for the object professedly in view, could not, by any possibility, carry a fair and judicious inquiry so very far away from the truth, as to give only about one-third of the real distance." Now this is the toil imposed upon a very large portion of the population of the manufacturing districts—this is the labour imposed in the spinning-room. In the carding-room there has also been a great increase of labour—one person there does the work formerly divided between two. In the weaving-room, where a vast number of persons are employed, and principally females; an operative, writing to me, states that the labour has increased, within the last few years, fully 10 per cent., owing to the increased speed of the machinery in spinning. In 1838, the number of hanks spun per week was 18,000;

in 1843, it amounted to 21,000. In 1819, the number of picks in power-loom weaving per minute was sixty—in 1842 it was 140, showing a vast increase of labour, because more nicety and attention are required to the work in hand. Now, Sir, it is no difficult transition from such a statement of daily toil, passed as it is, in crowded rooms, heated atmospheres, noxious gases, and injurious agencies of various kinds, to the following statement of physical mischiefs to the workers employed. Since 1816, eighty surgeons and physicians, and three medical commissioners in 1833 (one of whom, Doctor Bisset Hawkins, declared that he had the authority of a large majority of the medical men of Lancashire) have asserted the prodigious evil of the system. The Government Commissioners themselves furnish a summary of particulars:—

> "The excessive fatigue, privation of sleep, pain in various parts of the body, and swelling of the feet, experienced by the young workers, coupled with the constant standing, the peculiar attitudes of the body, and the peculiar motion of the limbs required in the labour of the factory, together with the elevated temperature, and the impure atmosphere in which the labour is often carried on, do sometimes ultimately terminate in the production of serious, permanent, and incurable diseases."

Doctor Loudon states—

> "I think it has been already proved that children have been worked a most unreasonable and cruel length of time daily, and that even adults have been expected to do a certain quantity of labour, which scarcely any human being is able to endure. As a physician, I would prefer the limitation of ten hours for all persons who earn their bread by their industry."

Doctor Hawkins says—

> "I am compelled to declare my deliberate opinion, that no child should be employed in factory-labour below the age of ten, that no individual under the age of eighteen should be employed in it longer than ten hours daily."

When I was myself in the manufacturing districts, in the year 1841, I went over many of the hospitals, and consulted many of the medical men in that part of the country. The result is contained in a note which I drew up at the time, and which is as follows;—Scrofulous cases apparently universal; the wards were filled with scrofulous knees, hips, ancles, &c. The medical gentleman informed me that they were nearly invariably factory cases. He attributed the presence of scrofula to factory employment under all its circumstances of great heat, low diet, bad ventilation, protracted toil, &c. Now the same evils are found to exist in other parts of the world where the same system is followed. A very admirable work was published a few years ago, by a French physician, Dr. Villermé, employed by the Academie des Sciences, to examine and report upon the condition of artizans. He states when speaking of factories in France, that

> "In the operations of the cotton business, cough, pulmonary inflammation, and the terrible phthisis, attack and carry off many of the work-people; but numerous as are the victims of these disorders, their premature death seem to me less deplorable than the development of scrofula in the mass of our work-people in manufactories."

Mark that: he considers death a less evil than the terrible prevalence of scrofulous disorder. Another effect produced by the system is an injurious affection of the eye-sight. Any person conversant with the cotton business knows how early in life the eye is apt to become so enfeebled as scarcely to be of any effective service. There is one more fact to which I wish to call the attention of the House. Those honourable Gentlemen who have been in the habit of perusing the melancholy details of mill accidents, should know that a large proportion of those accidents—particularly those which may be denominated the minor class, such as loss of fingers, and the like, occur in the last hours of the evening, when the people become so tired that they absolutely get reckless of the danger. I state this on the authority of several practical spinners. Hence arise many serious evils to the working classes; none greater than the early prostration of their strength, their premature superannuation, and utter incapacity to sustain their families by the labour of their hands. I will prove my assertions by the following table, from which you will observe that at the very period of life at which in many other departments of industry, men are regarded as in the prime of their strength, those employed in the cotton manufacture are superannuated and set aside, as incapable of earning their livelihood by factory labour. The ages above forty are seldom found in this employment. Now during the great turn out in 1831, from forty-two mills in Mosely

Ashton, and in other parts of Lancashire, out of 1,665 persons who joined in that turn-out, there were between forty-five and fifty years of age, only fifty-one. In 1832, it appeared by certain returns from mills in Harpur and Lanark, that out of 1,600 persons, there were above the age of forty five, only ten individuals. In 1839, the returns from certain mills in Stockport and Manchester, showed that the number of hands employed in these mills were 22,094—Now of all that immense multitude, how many does the House suppose were above forty-five years of age? Why, only 143 persons; and of these, sixteen were retained by special favour, and one was doing boy's work. I have in my hand also, a list of 131 spinners made out in 1841, only seven of whom were above forty-five years of age, and almost all of these people had been refused employment. Why? Because it was declared that they were too aged for labour! I have other authority, too, to prove the state of matters in this respect. I hold in my hand a letter from a person who went down to Bolton to make returns for me, in which he states—

> "I have just seen fifty reduced spinners, two are more than fifty years of age, the rest will not average forty years of age. One man, T.E., worked for sixteen years at Mr. O.'s mill; he is forty-three years of age; he has frequently applied for work, but is invariably answered, he is too old."

The same evil exists in France, and other countries where the manufacturing system prevails. Dr. Villermé says:—

> "There are few cities in which one meets with old people employed in manufactories, it is found to be more economical to pay younger workmen, though at a higher rate."

In the year 1833, a letter was addressed to me by Mr. Ashworth, a very considerable mill-owner in Lancashire, which contains the following curious passage:—

> "You will next very naturally inquire about the old men, who are said to die, or become unfit for work, when they attain forty years of age, or soon after."

Mark the phrase, "old man," at forty years of age!

> "As all spinners (he continues) whether young or old, are paid the same price per pound for spinning, the production of an old man is at greater expense by reason of the diminished quantity; this, and not ill health, may sometimes occasion his discharge." * * "Old men of every description adhere to habits contracted in early life; hence they are troublesome to manage, and often disagree with the overlookers—this may sometimes lead to their discharge, but it appears not unfrequently that they become disinclined to work, when the earnings of their families are sufficient to maintain them."

Indeed! why, there cannot, I think, be a more alarming feature in the case than the last mentioned fact—that men of perhaps forty should be maintained in idleness by the labour of their families. [Loud cries of "hear, hear," from both sides of the House.] But I have the additional testimony of a Government Commissioner, Mr. M'Intosh, who in his report in 1833, says—

> "Although prepared by seeing childhood occupied in such a manner, it is very difficult to believe the ages of men advanced in years, as given by themselves, so complete is their premature old age."

Now, Sir, I am the more inclined to rest my case with confidence on these Commissioners, because they were sent expressly to collect evidence against that taken by the Committee of 1832; and it is upon their reports, in considerable measure, that I will ground my appeal to this House. Now, let this condition of things be contrasted with the condition of agricultural life; and let us see how much longer is the duration of the working powers in that class of labour. In June, 1841, on an estate in Worcestershire, out of forty-two agricultural labourers, there were over forty-five years of age, twenty. Out of twenty-five on one in Lincolnshire, eleven exceeded forty years of age. At a place in Wales, out of thirty three labourers, twelve exceeded the age of forty, and seven were above sixty. At another estate in Lincolnshire, out of sixty-two labourers, thirty-two exceeded forty years of age. At one in Scotland, out of sixty labourers, twenty-seven were over forty years of age. Again, in England, out of thirty-nine labourers, twenty-nine exceeded forty years of age. On an estate in the Isle of Wight, out of eighteen labourers, there were found ten exceeding forty years of age. On another, out of seventeen seven were above forty years of age. On another farm, out of fifteen labourers, six were over forty years of age; and on an aggregate of farms in the neighbourhood, there were thirty labourers every one of them exceeding forty years of age! So that the total shows, that of

341 labourers, 180 were above forty years of age. Contrast the condition of these people with that of a multitude of 22,000, of whom only 143 were above the age of forty-five. There is yet another instance. On an estate in Dorset, in 1844, out of 427 labourers, 118 are above forty-five years of age. And these men may go on much longer; for I can appeal to hon. Gentlemen on both sides of the House, whether they have not known agricultural labourers, at the ages of fifty, sixty, and seventy years, still capable of working, and of earning wages. You will, naturally enough, inquire what becomes of many of these worn out and superannuated spinners and factory hands. A few may retire to other businesses; those who have by nature, a more vigorous mental and physical constitution, may, in some instances, survive; but a large proportion sink into a state of pauperism and decrepitude. I hold in my hand a statement which will give the House some idea of the condition into which a vast mass of these people fall when it becomes impossible for them to earn their subsistence by factory labour. It will be borne in mind that the present system has prevailed so long, and is of such a nature as completely to have destroyed every idea of thrift and economy. The education both of males and females is such that domestic economy is almost wholly unknown to them; and it very rarely happens that they have the foresight to accumulate savings during the period at which they can work to subsist upon in the days of their old age. It will also be remembered that their strength is so wholly exhausted that they are unable to enter into any different active occupation when discharged from the mill; and that thereafter they sink down into employments, of the nature of which I will give a specimen to the House. In June, 1841, from a return which was presented to me, it appeared that in 11 auction rooms in Manchester, out of 11 common jobbers, as they are called, 9 were discharged factory hands. Of 37 hawkers of nuts and oranges, 32 were factory hands; of 9 sellers of sand, 8 were factory hands; of 28 hawkers of boiled sheeps' feet, 22 belonged to the same class; of 14 hawkers of brushes, 11 were factory hands; of 25 sellers of coal, 16 were factory hands—thus out of 113 persons pursuing these miserable occupations, 89 were discharged factory hands. I may add that upon a further examination being made, it was found that of 341 discharged factory hands, 217 were maintained entirely by the earnings of their children. In Bolton many discharged spinners were employed in sweeping the streets, and of 60 sellers of salt, and gatherers of rags, 50 were factory hands. In 1842 an inquiry was made in Manchester, and it was found that of 245 cast-off spinners, there were maintained by the earnings of their children 108. The rest were following such occupations as I have already alluded to, or engaged in begging, picking up dung, and other miserable avocations. With reference to these men I asked the question, how many may expect to be taken up on a revival of trade? The answer was, scarcely one; that the masters required young hands and unexhausted strength, and that they would rather take men of twenty-five than of thirty-five years of age—and Dr. Bisset Hawkins, one of the Commissioners in 1833, gives similar testimony, that

> "The degree in which parents are supported by their youthful offspring at Manchester, is a peculiar feature of the place, and an unpleasing one; the ordinary state of things in this respect is nearly reversed."

Sir, neither the existence, nor the consequences, of these destructive causes, have escaped the attention of continental writers and legislators. Their testimonies and their laws strongly confirm the opinions and statements of those, who, in this country, have so long urged, upon the public consideration, the perilous necessity of withstanding the further progress of such pernicious agencies. By the system we permit, the laws of nature are absolutely outraged, but not with impunity. The slow but certain penalty is exacted in the physical degradation of the human race, including, as it does, the ruin of the body, and the still more fatal corruption of the moral part. In the year 1840, a Commission was issued in France. A Report was made to the French Chamber of Peers, by M. Dupin, the Baron Charles Dupin, and to that eminent person I am indebted for the copy of the Report from which are taken the extracts to which I am about to refer. I hope the House will attend to the facts adduced by this Gentleman.

> "We were desirous," says the reporter, "of ascertaining the amount of difference in force and physical power, between the parties

which have respectively attained the age of manhood in the parts of France most devoted to agriculture, and those where manufacturing industry is more generally diffused. The councils of revision in the recruiting department exhibited the following facts:—For 10,000 young men capable of military service, there were rejected as infirm, or otherwise unfit in body, 4,029 in the departments mostly agricultural; for 10,000 in the departments mostly manufacturing, there were rejected 9,930."

The reporter then proceeds to speak in detail.

"There were found," he says, "for 10,000 capable of military service, in Marne, 10,309 incapable; in the Lower Seine, 11,990 incapable; in L'Eure, 14,450 incapable."

Now what is the comment of the reporter on this? I will take the liberty of reading it to the House, because of the solemn warning it conveys to all governments and nations.

"These deformities," he proceeds, "cannot allow the Legislature to remain indifferent; they attest the deep and painful mischiefs—they reveal the intolerable nature of individual suffering; they enfeeble the country in respect to its capacity for military operations, and impoverish it in regard to the works of peace. We should blush for agriculture, if, in her operations, she brought, at the age adapted to labour, so small a proportion of oxen or horses in a fit state for toil with so large a number of infirm and misshapen."

Now, this is a return which I have once before quoted; but I quote it again, because it is so singularly adapted to our present position. We have no means of applying to our population the same test as that in France, because we have not the same courts for examination into the ability of people to carry arms; but if such Tribunals existed, I fear that they would set forth results far more distressing. If, for the comparatively short time that manufactures have been established in France, such terrible results are exhibited, what must be the case in England, where they have prevailed for considerably more than half a century? Just see what Dr. Villermé says. Dr. Villermé, having enlarged on the pernicious effects of factory labour, adds:—

"In examining men from twenty to twenty-one years of age, I found them physically unfit for the military service in proportion as they came from the working classes of the factory (*classe ouvrière de la fabrique*) at Amiens. 100 fit men required 193 conscripts from the middling class; 100 fit men required 343 conscripts from the working class."

Is this all? By no means—we have, if possible, yet stronger testimony from Prussia. The Sovereign of that country thought fit to enforce a law of protection, for all under sixteen years of age, against more than ten hours' labour in the course of the day. What was the reason assigned?—here is the document!

From the Official Gazette of Laws, 9th March, 1839.

"'His Majesty was pleased to direct the attention of his Ministers to a Report from Lieutenant George Von Horn, that the manufacturing districts would not fully supply their contingents for the recruiting of the army, that the physical development of persons of tender years was checked, and that there was reason to believe, that in the manufacturing districts, the future generations would grow up weaker and more crippled than the existing one was stated to be—employed from eleven to fourteen hours daily, in excessive labour, frightfully disproportioned to the powers of persons from eight to eighteen years of age."

Then followed an inquiry very similar to our own, which fully confirmed every statement; and the document proceeds—

"The preceding facts show that urgent necessity for legislative interference, felt by the King, to put a stop to such premature, unnatural, and injurious employment of the young operatives in factories."

I need not detain the House by an endeavour to show, that similar or worse mischiefs must have arisen in our own country—I speak of those districts only where the manufacturing system has long and extensively prevailed; I know that the agricultural parts and hilly regions of Yorkshire and Lancashire still send forth a noble race of human beings. But let me here impress upon the House the necessity of deeply considering these important statements. The tendency of the various improvements in machinery is to supersede the employment of adult males, and substitute in its place, the labour of children and females. What will be the effect on future generations, if their tender frames be subjected, without limitation or control, to such destructive agencies? Consider this; in 1835, the numbers stood thus; the females in the five departments of industry, 196,383; in 1839, females, 242,296; of these, the females under eighteen, 112,192. The proportions in each department stood, females in cotton, 56¼ per cent.; ditto worsted, 69½ ditto: ditto silk, 70½ ditto; ditto flax, 70½ ditto. Thus while the total amount of both sexes and all ages, in the cotton manufacture, in 1818, were equal only to 57,323, the females alone in that branch, in 1839, were 146,331. Now the following is an extract of a letter from a great mill-owner in 1842:—

> "The village of ——— two miles distant, sends down daily to the mills in this town, at least a thousand females, single and married, who have to keep strictly the present long hours of labour. Seven years ago, these persons were employed at their own homes; but now, instead of the men working at the power-looms, none but girls or women are allowed to have it."

But, Sir, look at the physical effect of this system on the women. See its influence on the delicate constitutions and tender forms of the female sex. Let it be recollected that the age at which the "prolonged labour," as it is called, commences, is at the age of thirteen. That age, according to the testimony of medical men, is the tenderest period of female life. Observe the appalling progress of female labour; and remember that the necessity for particular protection to females against overwork is attested by the most eminent surgeons and physicians—Dr. Blundell, Sir Anthony Carlisle, Sir William Blizard, Dr. Elliotson, Sir George Tuthill, Sir Benjamin Brodie, John Henry Green, esq., of Saint Thomas's, Charles Aston Key, esq., George James Guthrie, esq., Mr. Travers, Sir Charles Bell, Dr. Hodgkin, John Morgan, esq., of Guy's Hospital, Samuel Smith, esq., surgeon of Leeds, Doctor Young of Bolton, John Malyn, esq., Peter Mark Roget, esq., some time physician to the Manchester Infirmary. Here are some specimens of their evidence:—

> "Is it not especially necessary to give protection from excessive labour to females when approaching the age of puberty?—Quite important, if they are afterwards to become mothers, quite essential."

This is an universal opinion. Many anatomical reasons are assigned by surgeons of the manufacturing towns, that "the peculiar structure of the female form is not so well adapted to long-continued labour, and especially labour which is endured standing." Mr. Smith, of Leeds, declares:—

> "This (the operation of the factory labour) occasionally produces the most lamentable effects in females, when they are expecting to become mothers."

On the anatomical difficulty of parturition, he states—

> "It is often the painful duty of the accoucheur to destroy the life of the child. I have seen many instances of the kind, all of which, with one single exception, have been those of females who have worked long hours in factories." "There is a foundation in nature," (says Dr. Blundell), "for the customary division which assigns the more active labour to the male, and the sedentary to the female"—"among savages, the woman is often the drudge."

George James Guthrie, esq.:—

> "Have you not been a medical officer in the armies of this country for a considerable length of time?—Yes. Would you sanction, for a continuance, soldiers being actually under arms for twelve hours a day for a succession of days?—Such a thing is never done nor thought of; a soldier is never kept under arms more than five or six hours, unless before the enemy. Is the female sex well fitted to sustain long exertion in a standing posture? It is not. Is it not more than ordinarily necessary to protect females against excessive labour, when approaching the age of puberty?—Certainly it is." "The ten hours," (he adds), "you propose to give to the children in factories, is the work you would not give to soldiers, even when soldiers are employed in public works; they would not then be worked more than twelve hours, granting them time for their meals; and for the work they would have additional pay."

Now, Sir, mark the fearful superseding of adult workers; "the tendency of improvements in machinery," say all the inspectors, "is more and more to substitute infant for adult labour." Dr. Villermé, in his *Tableau d'état physique et moral des ouvriers*, urges the same results that "children and women are employed instead of men." In one mill (1831) adults, 70; spindles to each, 104; piecers, 305. In the same mill (1841) adults, 26; spindles to each, 223; piecers, 123; being one-sixth, instead of one-fifth as before, of the hands employed. In Bolton (1835) thirty-nine mills set up 589,784 spindles; the same mills set up (1841) 740,000 spindles; pieces to these spindles—(1835) 2,443; ditto in 1841, 2,426; spinners to them in 1835, 797; ditto in 1841, 727. Observe, too, the process of double-decking and self-actors — In 1831, twenty-three mills employed 1267 spinners (Manchester); in 1839, the same twenty-three mills employed 677 spinners; thus throwing out 590 spinners, without any abatement of productive power. In 1829, in Manchester, spinners, 2,650; 1841, in

Manchester, spinners, 1037; thrown out entirely, 1,613. In 1835, 2,171 spinners worked 1,229,204 spindles: in 1841, 1037 spinners worked 1,431,619 spindles. Observe, too, that the labour is greatly increased upon children in all mills alike. In 1829, in the mill of Mr. ——; spinners 70; spindles worked, 43,680; piecers, 230. In 1841, in the same mill, spinners, 26; spindles, 43,796; piecers, 134. In 1829, in a mill, spinners, 53; spindles, 23,800; piecers, 125. In 1842, spinners, none; spindles same number; piecers, 84. In 1829, in thirty-five mills, spinners, 1,088; spindles, 496,942. In 1841, in same mills, spinners, 448; spindles, 556,375; self-actors, 473, wrought by children and young persons only. A working spinner makes this statement, and it is a fair sample of the whole: " My wheels are trebled; the piecers reduced to eight; thus, two do the work of three. 'Self-acting greatly augments labour by the increased velocity of the machine, and the greater number of spindles apportioned to each piecer." Here, Sir, pause to consider the multitudes of females on whom this system must exercise its influence, and their great increase since 1835,

> " Mr. Orrell's mill, (says the inspector, and I will quote this as an example,) " at Heaton Norris, is by far the largest in Stockport. We are employing (says Robert M'Lure, the manager) altogether, in that mill and in connection with it (as carters, gas-men, and others) 1,264 hands at this time, of whom 846 are females. The whole number of looms is 1,300 all standing on one flat, attended by 651 females, and twenty-one males."

But there is a reason for this substitution; I will show, by an extract from a letter dated in March, 1842, the motives that actuate some minds:

> " Mr. E., a manufacturer, (says the writer), informed me that he employs females exclusively at his power-looms; it is so universally; gives a decided preference to married females, especially those who have families at home dependent on them for support; they are attentive, docile, more so than unmarried females, and are compelled to use their utmost exertions to procure the necessaries of life."

Thus, Sir, are the virtues, the peculiar virtues, of the female character to be perverted to her injury—thus all that is most dutiful and tender in her nature is to be made the means of her bondage and suffering! But consider again, I entreat you, what a multitude of females it is on whom this system has its operation. Just survey the enormous increase since 1835. This is the further testimony of the Sub-inspector Baker, in his report of 1843. There are employed in his district more than in 1838, 6,040 persons; of these, 785 males; 5,225 females.

> " The small amount of wages," says inspector Saunders, " paid to women, acts as a strong inducement to the mill-occupiers to employ them instead of men, and in power-loom shops this has been the case to a great extent."

Now hear how these poor creatures are worked. Mr. Baker reports, as to

> " Having seen several females, who, he was sure, could only just have completed their eighteenth year, who had been obliged to work from six A. M. to ten P. M., with only one hour and a-half for meals."

In other cases, he shows, females are obliged to work all night, in a temperature of from 70 to 80 deg. Hence Mr. Saunders (1843) deduces the necessity of a law protecting all females, up to the age of twenty-one; adding, medical men invariably declare the urgent necessity of protecting from excessive labour all females up to that period of life.

> " I found (says Mr. Horner, October 1843) many young women, just eighteen years of age, at work from half-past five in the morning until eight o'clock at night, with no cessation except a quarter of an hour for breakfast, and three quarters of an hour for dinner."

They may fairly be said to labour for fifteen hours and a-half out of twenty-four.

> " There are (says Mr. Saunders) among them, females who have been employed for some weeks, with an interval only of a few days, from six o'clock in the morning until twelve o'clock at night, less than two hours for meals, thus giving them for five nights in the week, six hours out of its twenty-four to go to and from their homes, and to obtain rest in bed." " A vast majority," says Mr. Saunders, in January, 1844, " of the persons employed at night, and for long hours during the day, are females; their labour is cheaper, and they are more easily induced to undergo severe bodily fatigue than men."

Where, Sir, under this condition, are the possibilities of domestic life? how can its obligations be fulfilled? Regard the woman as wife or mother, how can she accomplish any portion of her calling? And if she cannot do that which Providence has assigned her, what must be the effect on the whole surface of society? But to revert to the physical effects. Mr. Saunders says in the same report:—

> "The surgeon distinctly condemns such employment; though the effect may not be immediately apparent, it must have a tendency to undermine the constitution, produces premature decay, and shortens the duration of human life. No female," he adds, "ought to work more than ten hours, and that twelve hours produces severe injury to those in a state of pregnancy."

He often witnesses the effect of so much standing when parturition comes on; adding;—

> "Work in the night is the most injurious; it is unnatural, and not adapted to the constitution of women."

Another surgeon of great experience, in Lancashire, writes to me that—

> "After thirteen is the age when young women begin to be most susceptible of injury from factory work, and much more at this period of their lives than at the earlier ages. He proceeds to detail: "the effects of long-continued labour in factories become more apparent after childbirth. The infants are at birth below the average size, have a stinted and shrivelled appearance. I would take a score of factory births, and the same of healthy parents, and distinguish between them. Children are much confined by factory mothers to the care of others—opium administered to the infants in various forms—the quantity of this pernicious drug thus consumed would almost stagger belief—many infants are so habituated to it, that they can scarcely exist when deprived of the stimulus—immense numbers fall victims to hydrocephalus—mothers' milk becomes deteriorated—infants fed upon substitutes in her absence—hence internal disorders, of which the usual remedy is gin. Miscarriages very frequent, and all the physical and surgical mischiefs of mistreated pregnancy—varicose veins produced by the continued evil practice—aggravated greatly in pregnant women. Again, troublesome ulcers of the legs, arising from varicose veins, which, in some cases, burst, and bring on a dangerous and sometimes fatal hæmorrhage. The practice of procuring abortion is very frequent even among married women."

I have, moreover, the personal testimony of several females to the truth of these statements—they speak of the intolerable pain in their breasts by such long absences from children, and the suffering of returning to work within ten days of confinement. Look again to the effects on domestic economy; out of thirteen married females taken at one mill, only one knew how to make her husband a shirt, and only four knew how to mend one. I have the evidence of several females, who declare their own ignorance of every domestic accomplishment—the unmarried declare, "not a single qualification of any sort for household servants." The married; "untidy, slovenly, dirty; cannot work, sew, take care of children, or the house; cannot manage expences; perpetual waste and extravagance." But hear the history of their daily life from their own lips:—

> "M. H., aged twenty years, leaves a young child in care of another, a little older, for hours together; leaves home soon after five, and returns at eight; during the day the milk runs from her breasts, until her clothes have been as wet as a sop." "M. S. (single) leaves home at five, returns at nine; her mother states she knows nothing but mill and bed; can neither read, write, knit, nor sew." "H, W. has three children; leaves home at five on Monday; does not return till Saturday at seven; has then so much to do for her children, that she cannot go to bed before three o'clock on Sunday morning. Oftentimes completely drenched by the rain, and has to work all day in that condition. My breasts have given me the most shocking pain, and I have been dripping wet with milk."

I will conclude this part with an extract from a letter, dated February, 1840, by Dr. Johns, Superintendent Registrar of the Manchester district; an important document, when we consider that it was written to controvert some of my statements respecting the mortality of those districts:—

> "Very young children (says Dr. Johns) are by the existing system, not sufficiently taken care of by their mothers; as regards themselves, during gestation, and their offspring, after childbirth—the women during pregnancy, continue as long as possible at their work; and sooner than they ought, they again attend the factories, leaving their infants to the care of ill-paid and unsuitable persons, to take the oversight of the children in their absence; nor ought we to omit that soothing drugs—the well-known nostrum—Godfrey's cordial, are often had recourse to, with a view to lull the troubles of the little unfortunates, and hence, perhaps, may be attributable to the improper use of narcotics, the frequent deaths from convulsions. It is most desirable that mothers should not be, if possible, abstracted from their attention to their helpless infants, certainly not during the period of lactation and teething."

So much, Sir, for their physical, and, if I may so speak, their financial condition; the picture of their moral state will not be more consolatory. And, first, their excessive intemperance: Mr. Roberton, a distinguished surgeon at Manchester, says, in a published essay:—

> "I regard it as a misfortune for an operative to be obliged to labour for so long hours at an exhausting occupation, and often in an impure atmosphere. I consider this circumstance as one of the chief causes of the astounding inebriety of our population."

I read in a private letter from Manchester, 1843:—

> "Intemperance is making progress; on Sundays there is more drinking than there has been for many years; the people who sell ale, &c., state to me that they never sold more on Sunday, nor as much as they now do."

Mr. Braidley, when boroughreeve of Manchester, stated, "that in one gin shop, during eight successive Saturday evenings, from seven till ten o'clock, he observed, on an average rate, 412 persons enter by the hour, of which the females were 60 per cent." Many females state, that the labour induces "an intolerable thirst; they can drink, but not eat." I do not doubt that several of the statements I have read, will create surprise in the minds of many hon. Members; but if they were to converse with operatives who are acquainted with the practical effects of the system, they would cease to wonder at the facts I have detailed. I might detain the House by enumerating the evils which result from the long working of males and females together in the same room. I could show the many and painful effects to which females are exposed, and the manner in which they lament and shrink from the inconveniences of their situation. I have letters from Stockport and Manchester, from various individuals, dwelling on the mischievous consequences which arise from the practice of modest women working so many hours together with men, and not being able to avail themselves of those opportunities which would suggest themselves to every one's mind without particular mention. Many mills, I readily admit, are admirably regulated, but they are yet in a minority—were all of such a description as several that I have seen, they might not, perhaps, require any enactments. But, to return, Mr. Rayner, the medical officer of Stockport, says:—

> "It has been the practice in mills, gradually to dispense with the labour of males, but particularly grown-up men, so that the burthen of maintaining the family has rested almost exclusively on the wife and children, while the men have had to stay at home, and look after household affairs, or ramble about the streets unemployed."

But listen to another fact, and one deserving of serious attention; that the females not only perform the labour, but occupy the places of men; they are forming various clubs and associations, and gradually acquiring all those privileges which are held to be the proper portion of the male sex. These female clubs are thus described:—Fifty or sixty females, married and single, form themselves into clubs, ostensibly for protection; but, in fact, they meet together, to drink, sing, and smoke; they use, it is stated, the lowest, most brutal, and most disgusting language imaginable." Here is a dialogue which occurred in one of these clubs, from an ear witness:—"A man came into one of these club-rooms, with a child in his arms; 'Come lass,' said he, addressing one of the women, 'come home, for I cannot keep this bairn quiet, and the other I have left crying at home.' 'I won't go home, idle devil,' she replied, 'I have thee to keep, and the bairns too, and if I can't get a pint of ale quietly, it is tiresome. This is the only second pint that Bess and me have had between us; thou may sup if thou likes, and sit thee down, but I won't go home yet'" Whence is it that this singular and unnatural change is taking place? Because that on women are imposed the duty and burthen of supporting their husbands and families, a perversion as it were of nature, which has the inevitable effect of introducing into families disorder, insubordination, and conflict. What is the ground on which the woman says she will pay no attention to her domestic duties, nor give the obedience which is owing to her husband? Because on her devolves the labour which ought to fall to his share, and she throws out the taunt, "If I have the labour, I will also have the amusement." The same mischief is taking place between children and their parents; the insubordination of children is now one of the most frightful evils of the manufacturing districts. "Children and young persons take the same advantage of parents that women do of their husbands, frequently using harsh language, and, if corrected, will turn round and say, '——— you, we have you to keep.' One poor woman stated that her husband had chided two of their daughters for going to a public-house; he made it worse, for they would not come home again, stating, 'they had their father to keep, and they would not be dictated to by him.'" This conduct in the children is likewise grounded on the assertion that the parents have no right to interfere and control them, since, without their labour, the parents could not exist; and this is the bearing of children, many of whom are under thirteen or fourteen years of age! Observe carefully, too, the ferocity of character which is exhibited by a great mass of the female population of the manufacturing towns. Recollect the outbreak of 1842, and the share borne in that by the girls and women; and the still more frightful contingencies which may be in store for the future. "I met," says an informant of mine, "with a mother of factory workers, who told me that all the churches and chapels were useless places, and so was all the talk about education, since the young and old were unable to attend, either in consequence of the former being imprisoned in the mills so many hours, and being in want of rest the little time they were at home; and the latter being compelled to live out of the small earnings of their children, and cannot get clothing, so they never think of going to churches or chapels. She added, 'when you get up to London, tell them we'll turn out the next time (meaning the women), and let the soldiers fire upon us if they dare, and depend upon it there will be a break out, and a right one, if that House of Commons don't alter things, for they can alter if they will, by taking mothers and daughters out of the factories, and sending the men and big lads in.'" But further, what says Sir Charles Shaw, for some years the superintendent of the police of Manchester—what is his opinion of the condition of the females of that town, and the effects produced, by the system under which they live, on their conduct and character?—

> "Women (says he) by being employed in a factory, lose the station ordained them by Providence, and become similar to the female followers of an army, wearing the garb of women, but actuated by the worst passions of men. The women are the leaders and exciters of the young men to violence in every riot and outbreak in the manufacturing districts, and the language they indulge in is of a horrid description. While they are themselves demoralised, they contaminate all that comes within their reach."

This will conclude the statement that I have to make to the House—and now, Sir, who will assert that these things should be permitted to exist? Who will hesitate to apply the axe to the root of the tree, or, at least, endeavour to lop off some of its deadliest branches? What arguments from general principles will they adduce against my proposition? What, drawn from peculiar circumstances? They cannot urge that particular causes in England give rise to particular results; the same cause prevails in various countries; and wherever it is found, it produces the same effects. I have already stated its operation in France, in Russia, in Switzerland, in Austria, and in Prussia; I may add also in America; for I perceive by the papers of the 1st of February, that a Bill has been proposed in the Legislature of Pennsylvania, to place all persons under the age of sixteen, within the protection of the "ten hours" limit. I never thought that we should have learned justice from the City of Philadelphia. In October last I visited an immense establishment in Austria, which gives employment to several hundred hands; I went over the whole, and conversed with the managers, who detailed to me the same evils and the same fruits as those I have narrated to the House—prolonged labour of sixteen and seventeen hours, intense fatigue, enfeebled frame, frequent consumptive disorders, and early deaths—yet the locality had every advantage; well-built and airy houses in a fine open country, and a rural district; nevertheless, so injurious are the effects, that the manager added, stating at the same time, the testimony of many others who resided in districts where mills are more abundant, that, in ten years from the time at which he spoke, "there would hardly be a man in the whole of those neighbourhoods fit to carry a musket." Let me remind, too, the House, of the mighty change which has taken place among the opponents to this question. When I first brought it forward in 1833, I could scarcely number a dozen masters on my side, I now count them by hundreds. We have had, from the West Riding of Yorkshire, a petition signed by 300 millowners, praying for a limitation of labour to ten hours in the day. Some of the best names in Lancashire openly support me. I have letters from others who secretly wish me well, but hesitate to proclaim their adherence; and even among the members of the Anti-Corn-Law League, I may boast of many firm and efficient friends. Sir, under all the aspects in which it can be viewed, this system of things must be abrogated or restrained—it affects the internal tranquillity of those vast provinces, and all relations between employer and employed—it forms a perpetual grievance and ever comes uppermost among their complaints in all times of difficulty and discontent. It disturbs the order of nature, and the rights of the labouring men, by ejecting the males from the workshop, and filling their places by females, who are thus withdrawn from all their domestic duties, and exposed to insufferable toil at half the wages that would be assigned to males, for the support of their families. It affects—nay, more, it absolutely annihilates, all the arrangements and provisions of domestic economy — thrift and management are altogether impossible; had they twice the amount of their present wages, they would be but slightly benefited —everything runs to waste; the house and children are deserted; the wife can do nothing for her husband and family; she can neither cook, wash, repair clothes, or take charge of the infants; all must be paid for out of her scanty earnings, and, after all, most imperfectly done. Dirt, discomfort, ignorance, recklessness, are the portion of such households; the wife has no time for learning in her youth, and none for practice in her riper age; the females are most unequal to the duties of the men in the factories; and all things go to rack and ruin, because the men can discharge at home no one of the especial duties that Providence has assigned to the females. Why need I detain the House by a specification of these injurious results? They will find them stated at painful length in the Second Report of the Children's Employment Commission. Consider it, too, under its physical aspect! Will the House turn a deaf ear to the complaints of suffering that resound from all quarters? Will it be indifferent to the physical consequences on the rising generation? You have the authority of the Government Commissioner, Dr. Hawkins, a gentleman well skilled in medical statistics—

> "I have never been, (he tells you) in any town in Great Britain or in Europe, in which degeneracy of form and colour from the national standard has been so obvious as in Manchester."

I have, moreover, the authority of one of the most ardent antagonists, himself a mighty millowner, that, if the present system of labour be persevered in, the "county of Lancaster will speedily become a province of pigmies." The toil of the females has hitherto been considered the characteristic of savage life; but we, in the height of our refinement, impose on the wives and daughters of England a burthen from which, at least during pregnancy, they would be exempted even in slave-holding states, and among the Indians of America. But every consideration sinks to nothing compared with that which springs from the contemplation of the moral mischiefs this system engenders and sustains. You are poisoning the very sources of order and happiness and virtue; you are tearing up root and branch, all the relations of families to each other; you are annulling, as it were, the institution of domestic life, decreed by Providence himself, the wisest and kindest of earthly ordinances, the mainstay of social peace and virtue, and therein of national security. There is a time to be born, and a time to die—this we readily concede; but is there not also a time to live, to live to every conjugal and parental duty—this we seem as stiffly to deny; and yet in the very same breath we talk of the value of education, and the necessity of moral and religious training. Sir, it is all in vain, there is no national, no private system, that can supersede the influence of the parental precept and parental example—they are ordained to exercise an unlimited power over the years of childhood; and, amidst all their imperfections, are accompanied with a blessing Whose experience is so confined that it does not extend to a knowledge and an appreciation of the maternal influence over every grade and department of society? It matters not whether it be prince or peasant, all that is best, all that is lasting in the character of a man, he has learnt at his mother's knees. Search the records, examine the opening years of those who have been distinguished for ability and virtue, and you will ascribe, with but few exceptions, the early culture of their minds, and above all, the first discipline of the heart, to the intelligence and affection of the mother, or at least of some pious woman, who with the self-denial and tenderness of her sex, has entered as a substitute, on the sacred office. No, Sir, these sources of mischief must be dried up; every public consideration demands such an issue; the health of the females; the care of their families; their conjugal and parental duties; the comfort of their homes; the decency of their lives; the rights of their husbands; the peace of society; and the laws of God—and, until a vote shall have been given this night, which God avert, I never will believe that there can be found in this House one individual man who will deliberately and conscientiously inflict, on the women of England such a burthen of insufferable toil. Sir, it is very sad, though perhaps inevitable, that such weighty charges and suspicions should lie on the objects of those who call for, and who propose, this remedial measure. I am most unwilling to speak of myself: my personal character is, doubtless, of no consequence to the world at large: but it may be of consequence to those whose interests I represent; because distrust begets delays; and zeal grows cold, when held back in its career by the apprehension that those, whom it would support, are actuated by unworthy motives. Disclaimers, I know, are poor things when uttered by parties whom you listen to with suspicion or dislike; but consider it calmly; are you reasonable to impute to me a settled desire, a single purpose, to exalt the landed, and humiliate the commercial aristocracy? Most solemnly do I deny the accusation; if you think me wicked enough, do you think me fool enough, for such a hateful policy? Can any man in his senses now hesitate to believe that the permanent prosperity of the manufacturing body, in all its several aspects, physical, moral, and commercial, is essential, not only to the welfare, but absolutely to the existence of the British Empire? No, we fear not the increase of your political power, nor envy your stupendous riches; "peace be within your walls, and plenteousness within your palaces!" We ask but a slight relaxation of toil, a time to live, and a time to die; a time for those comforts that sweeten life, and a time for those duties that adorn it; and, therefore, with a fervent prayer to Almighty God that it may please him to turn the hearts of all who hear me to thoughts of justice and of mercy, I now finally commit the issue to the judgment and humanity of Parliament.

Sir *J. Graham*: Sir, I never rose to discharge any duty in this House which I considered at the same time more painful and more imperative. The pain, I must admit, is considerably increased by the eloquence of the address which my noble Friend has just concluded, and especially of the passage which marked the close of his speech. The noble Lord has asked whether any man will be found in this House to resist the proposal which he has thought it his duty to make, and he has appealed to considerations of justice and mercy, intimating, if not directly, at least by implication, that resistance to his Motion is inconsistent both with justice and mercy. I, on the other hand, having due regard to those sacred principles which my noble Friend has invoked, am bound, on my own part, and on the part of the Government, to offer to the proposal of the noble Lord my decided opposition. It will be necessary for me to trespass shortly on the attention of the House, although I do not intend to follow the noble Lord through all the details which he addressed to the House. If I thought it necessary I do not possess the information which would be required for that purpose; but I think it incumbent, on principle, to resist the noble Lord's Motion, and it is my duty, thus early in the discussion, to state the grounds which have produced my decision on the question. The noble Lord said, the time is come when, in his opinion, it is necessary to lay the axe to the root of the tree. Before we do this let me entreat the Committee carefully to consider what is that tree which we are to lay prostrate. If it be, as I suppose, the tree of the commercial greatness of this country, I am satisfied that although some of its fruits may be bitter, yet upon the whole it has produced that greatness, that wealth, that prosperity, which make these small islands most remarkable in the history of the civilised world, which upon the whole, diffuse happiness amidst this great community, and render this nation one of the most civilised, if not the most civilised, and powerful on the face of the globe. My noble Friend begs us also not to turn a deaf ear to the cry of distress from the working classes. I entreat this House, indeed I need not urge it upon them, having seen the attention with which they listened to the remarks which my noble Friend made—I entreat the House carefully to weigh the subject now brought under discussion. There never was a greater subject, as it appears to me, considered in this House—

the comfort, the happiness, the physical and moral condition, as my noble Friend has justly put it, of a large portion of the working classes, come under our notice this evening. Their wrongs are entitled to redress, if we can redress them; their feelings are entitled to indulgent consideration, even though we may be unable to redress their wrongs. I am aware their feelings are excited on this subject and I am satisfied that it is due to their feelings that this question, should be fully, dispassionately, and temperately considered. My noble Friend endeavoured studiously to steer clear of irritating topics not immediately connected with the subject of debate. Something like a cheer indeed, fell from the other side, on one occasion, when he glanced at the importation of foreign corn. Now may I beg the Committee for this one evening to exclude all such topics from their remembrance. I do not deny that the question may be in some degree connected with them, but there will be many other opportunities for debating these, and this subject is sufficiently important to be discussed by itself. I have said, on the one hand, that the physical and moral condition of a large class of the community is now brought under discussion, on the other hand justice compels me to say, the question of the commercial prosperity and manufacturing industry of this country is to-night materially involved in the question upon which we are deliberating. It was with some astonishment, therefore, that I heard my noble Friend declare, that he would discard all commercial views on this occasion, and treat the question as one purely of morals and of religious obligation. Nay, my noble Friend must excuse me for saying that when I listened to his eloquent appeal, and to his statement of facts as bearing on infantine and female labour, I will not say I thought there was exaggeration — but I could almost have believed that the necessary consequence of that appeal and of that statement of facts must have been to lead to the conclusion at which he arrived with respect to mines and collieries, namely, that females and infants should no longer be employed in factory labour. Now, allow me to beg of the Committee to consider. I have said the matter is most important; but still allow me to recall to the attention of the Committee how narrow comparatively is the question we are called upon to discuss. It is not whether females shall cease to be employed in factories, nor whether children shall cease to labour there—it is whether females shall be employed ten or twelve hours in factories, and whether the period of infantile labour shall be eight hours in each day, or something shorter. At present, children cannot be employed longer than eight hours a-day; the proposition of the Bill now under discussion is, that instead of work in the forenoon or afternoon of each day, they may be employed ten hours on alternate days only, the others being vacant, or every day for six hours and a half. It is not, as my noble Friend in the earlier part of his speech justly remarked, a question of principle that we are now called upon to discuss, it is one of degree. I think it clearly unnecessary on the present occasion to enter at length into the principle. It was certainly a violation of principle that the Legislature should interfere in a case of this kind at all; that, however, was decided by the Legislature in 1833; and my noble Friend will excuse me for recalling to his recollection, and that of the Committee, that a very large portion of the facts he detailed, with respect to early superannuation, the evidence of deformity arising from infantile labour, and many of the cases of extreme distress most calculated to harrow the feelings, were facts collected by the Commission of 1831 and the Inquiry of 1833; and it was the statement of these very facts which led to the correction of the evils, and to the violation of principle I spoke of by the enactment of the existing regulations, which impose checks on the employment of the labour both of children and young persons. Though I do not wish to dwell on these details, I must notice some of the statements my noble Friend has made. In the commencement of his speech he alluded, with something like despondency, to his past labour; and at its close he answered some imputations upon his motives, which had been most unjustly thrown upon them. Sir, I believe my noble Friend's motives to be pure and benevolent in the highest sense. I do not believe that any public man ever laboured more honestly, more earnestly, with more entire singleness of purpose. So far from his having occasion to look back on his past career with anything like despondency, I think it is very much due to him that various mitigations of the most important kind have been sanctioned by the Legislature with respect to infantile labour, and that he has conferred a lasting benefit on the poor and helpless. I said that the original enactment was a violation of principle, made under the peculiar circumstances attending that labour, and I was a party to its enactment. There were several points to be considered, first, the close and constant inspection to which this labour is subject; next, the publicity of the reports, and the check of public opinion which is brought to bear on all branches of the system; then the limitation of time, most important even as it now exists, that no children under the age of nine shall be employed at all; and that between nine and thirteen no child shall work longer than eight hours; and that no young person between thirteen and eighteen shall work for a longer period, as it now stands, than fifteen hours daily, including one hour for dinner and two hours' cessation of labour, leaving twelve for the actual work. What is the general tenor of the measure which I propose, as it relates to children? A mitigation of time from eight to six and a half hours, a limitation of margin from fifteen hours to fourteen, still leaving twelve hours for work. My noble Friend has dwelt very much upon the improvements which have taken place in machinery, and the consequent increase of labour to the parties so employed. Allow me just to remark, in passing, that although the intention of the Factory Act was humane, and its operation has been partially such, yet I have no doubt whatever its practical effect has been to stimulate in the highest degree the improvement of machinery with a view to the displacement of manual labour. He described with great accuracy of detail, and in the most graphic manner, the working of the machinery—the self-acting mules, the double-decked system, and the distance to be travelled by each person, which he estimated at thirty-seven miles in twelve hours. My noble Friend behind me says, that is quite impossible; that was exactly the observation I was about to make. I do not think it possible that they could walk or run over anything like that space in the time mentioned, even if they chose their own ground. The hon. Member for Oldham, in one of his publications, arrived at the conclusion that the distance was nearly one-half less than my noble Friend makes it by his computation. My noble Friend made, in that part of his speech, a most important admission, which I call on the Committee carefully to bear in view. I have stated to the Committee that I am satisfied the reduction of hours in the Factory Bill, as it now stands, has had the effect of improving machines. I also think it has had the effect of accelerating machines. Now, my noble Friend made a most important admission when he stated that even the present machinery, without further improvement, was only put at two-thirds of the velocity of which it was capable; in other words, that the speed might be increased by one-third. Mark, then, it is as clear as possible, if you reduce the hours of labour by one-eleventh or one-sixth, the machinery will be accelerated to counteract the reduction of the hours of work, and in point of fact the labour will be more intense and severe. My noble Friend refers to early superannuation. Now, in the first place, I decidedly admit, that there was an excess of infantine and female labour injurious to health, and until the Act of 1833 passed there was no legislative restriction. But there are now stringent regulations, and I am not disposed to call upon the House of Commons to increase them, because I believe they are quite sufficient. Just in proportion as by improvement in machinery you increase the speed of that machinery, so you do make a call for increased strength on the part of those you employ, even to the displacement of the labour of aged persons, younger and more active persons being required to perform the duties. Then if your legislation be such that you again increase the speed of your machinery—if you offer a premium, as it were, for the improvement of machinery, my belief is, that you will still further displace those not now considered superannuated, and thus you will augment the evils you desire to cure. My noble Friend drew a comparison between agricultural and manufacturing labourers, and he did not, I am sure, draw that comparison invidiously. I must, however, express some doubt as to the physical fact stated by my noble Friend. I believe, when you take into consideration the exposure to the inclemency of the weather, and other disadvantageous circumstances which fall upon the agricultural labourer, that it may very fairly be doubted, whether on account of the vicissitudes he encounters, the chances are not, upon the whole, against the agricultural labourer, on the score of health, as compared with the manufacturer. But the House will consider whether it be of any practical advantage to discuss that point now. We have arrived at a state of society when without commerce and manufactures this great community cannot be maintained. Let us, as far as we can, mitigate the evils arising out of this highly artificial state of society; but let us take care to adopt no step that may be fatal to commerce and manufactures. The noble Lord complains of want of thrift among the manufacturing operatives. I have received two deputations, one from the master manufacturers and the other from the operatives themselves; and with regard to the first, I am sure that the Gentleman of whom I am about to speak will not be offended by the allusion. One of the Gentlemen composing that deputation is a master manufacturer, a magistrate, and, I believe, one of the greatest mill-owners in England. By thrift and economy that Gentleman, to his own great honour, and to the honour of the country he has benefitted by his industry, has risen to the high position he occupies in Manchester, from the rank, if I am not misinformed, of an humble operative. I also received a deputation from the workmen; and in regard to one of the persons who composed it, I must say that I was much struck with his remarkable intelligence, the clear and admirable manner in which he stated his case, the perfect propriety of his demeanour, and the dispassionate manner in which he argued every point that made against his position. I said to this person are you still an operative? He replied—No; I was lately; but by saving I have been able to take a share in a mill, and I am now a mill-owner to a limited extent. Still I am trusted by those who were my fellow labourers and I am here to represent them. So much for the result of manufacturing industry as testified in these two deputations. My noble Friend stated, that the feelings of many of the master-manufacturers was in favour of his proposal. I for one must say, that I am discharging a painful duty in resisting my noble Friend's proposition. If I consulted only my own feelings, I should support it, for all my sympathies and wishes, as well as those of the great majority are with the Motion. I speak in the strongest manner for myself on this point, and if I could bring myself to believe that my noble Friend's proposition is for the good of the country, and for the good of the manufacturers themselves, I should not have hesitated to support it. The master-manufacturers give an honourable and willing consent to the additional restraint this Bill imposes upon their useful exertions. They acquiesced generally, because they placed reliance on the assurance of the Government, that with reference to the question of twelve hours for all persons above thirteen years of age, the Government, after full, fair, and deliberate consideration of the case, were resolved to stand firm. I was aware that the Chamber of Commerce at Manchester would have taken up the question if they had doubted that the Government, in the discharge of their duty, would have resisted this proposition. I believe that there is not that unanimity upon the point, even among his workmen, which my noble Friend supposes. I am assured, upon high authority, that adult labourers, stimulated by the honest desire of earning as much as they are able, because wages are generally paid by piece-work—so far from going to those masters where time is limited, invariably prefer the establishments where most work is done. This day I received three deputations from the working classes; one of them was in favour of the proposition of my noble Friend, but another was decidedly opposed to it, declaring even that the seventh clause, relative to the working of children, was objected to by many as inconsistent with their interests. My noble Friend stated that he would not enter into the commercial part of the question; but if I can show that the inevitable result of the abridgement of time will be the diminution of wages to the employed, then I say, with reference to the interests of the working classes themselves, there never was a more doubtful question before Parliament than this. The House will remember that the branches of manufacture affected by this Bill are dependent upon machinery. Such is the rapidity with which improvements are made, that no machinery can last more than twelve or thirteen years without alterations; and master-manufacturers have been obliged to pull down machinery that was perfectly sound and good to make the necessary alterations which competition forces upon them. Well, then, it is necessary to replace machinery in the course of twelve or thirteen years. You are now discussing whether you shall abridge by one-sixth the period of time in which capital is to be replaced, all interest upon it paid, and the original outlay restored. Such an abridgement would render it impossible that capital with interest should be restored. Then in the close race of competition which our manufacturers are now running with foreign competitors, it must be considered what effect this reduction of one-sixth of the hours of labour would have upon them. The question in its bearing upon competition must be carefully considered; and I have been informed that in that respect such a step would be fatal to many of our manufacturers a feather would turn the scale: an extra pound weight would lose the race. But that would not be the first effect. The first effect would fall upon the operative. It is notorious that a great part of the power of the mill-owners, a power which alone justifies such legislation as this, arises from the redundant supply of labour. It follows that when a master is pressed upon by your legislation, he will compensate himself by forcing upon those in his employ a decrease of wages. I believe the large majority of intelligent operatives comprehend that proposition thoroughly. I have seen many, and conversed with them, and they have admitted that the proposal involves a necessary decrease of wages. In the report presented in 1841 by my excellent Friend Mr. Horner, who has discharged with the most honourable fidelity the duty of inspector of factories, there is information upon this point, and with the permission of the House I will read a passage—a single passage only—but one which goes to the root of the whole subject. Mr. Horner said:

> "I have made an estimate of the loss a mill would sustain from working eleven hours a day only instead of twelve, and I find it would amount to 850*l.* per annum. If it were reduced to ten hours, it would be about 1,530*l.* per annum. Unless, therefore, the mill-owner can obtain a proportionately higher price for the commodity, he must reduce wages or abandon his trade. I have made some calculations as to the probable reduction of wages, and of the whole loss that would be thrown on the operatives. I make the amount in the case of eleven hours a day to be 13 per cent., and in the case of ten hours a day 25 per cent. at the present average rate of wages."

Now, I believe this to be perfectly accurate. The question then arises, whether you shall create in the manufacturing districts one sudden general fall of wages to the amount of 25 per cent.? I believe that the adoption of the Motion of my noble Friend would produce that effect. Though I am most anxious to take every precaution with regard to infant labour—though I am as firmly resolved as my noble Friend to urge upon the House to put a limit upon female labour, still, upon the whole, I cannot recommend the House to adopt an enactment which limits the labour of young persons to a shorter period than twelve hours. My noble Friend has referred to foreign countries, but in these countries, if I am not mistaken, there is no limitation, direct or indirect, of adult labour. My noble Friend spoke in decisive terms upon the failure of health in the manufacturing districts, and offered most important considerations to the House bearing upon that part of the subject. But if I am not misinformed, it will be found when there is full work, even to some excess, on the part of adults—when there is full work and good wages, that health in the manufacturing districts is in a satisfactory condition. On the other hand, when there is short time—shorter time than is proposed by my noble Friend—short time caused by the failure of the demand for manufactured articles, and reduced to eight instead of ten hours as occurred about two years ago, then disease is rife in the manufacturing districts; then is the time when immoral habits are generated, and disease is their inevitable result. I believe the proposition of my noble Friend to be most humane in intention, but the Bill, as tendered by the Government, holding equal the balance between the employer and the employed does not meet with opposition from the manufacturers, and is not disapproved of by the workmen; and I believe, in its present shape, it will pass into a law without any great difficulty. The Motion of my noble Friend will invert all this, and should it be carried, the Bill will be violently resisted and will produce the most fatal consequences. I believe, moreover, so far from being advantageous to the working classes, my noble Friend's proposition would be ruinous to their interests, and fatal to our commercial prosperity, and though my feelings and wishes are with him, my sense of duty never more clearly pointed out the course I ought to take, in reluctantly, but firmly, resisting his proposition.

Mr. *Milner Gibson* had received, he said, many communications respecting the Bill before the House, and although there was not a complete recognition of the soundness of the principle that had been adopted in it, there yet was, so far as his knowledge extended, a willingness on the part of both the masters and operatives to take the measure which the Government had submitted to the House. When he said "take the measure," he did not mean that every matter of minute detail was fully approved of; but still, in reference to the important alterations proposed, as the reduction of the hours of labour for children from eight to six hours and a half, and the limitation of the hours of labour of young persons and women of all ages to twelve, the proposition had, he was informed, been received cheerfully by the master manufacturers, although he must admit without a full recognition of the principle of interfering with labour, which seemed to be adopted by many hon. Members. With regard to the proposition of the noble Lord, he could not say it was within his knowledge approved of by either masters or operatives. He had made it his business to ascertain to the best of his ability the state of feeling among the labouring people themselves upon this proposition of short hours of labour, and he had been told by many of the most intelligent and thinking operatives—men calculated to have influence with their class, and they considered that it would be an interference with the only property they had to dispose of, namely, their labour, and they could not agree to the proposition, whatever might be the urgency and necessity of working hard to earn a living, that they should be prevented from working twelve hours in a factory, if they found it fit and advantageous so to do. It might be thought that by preventing young persons, and women of all ages, from working more than ten hours, the labour of male adults was not interfered with. But that was not so. To enact that no young persons or women of any age should work more than ten hours was, in point of fact, to enact that no factory engines should be kept in operation more than ten hours. It was not simply dealing with the labour of women and young persons, but it was an interference with the labour of adults, and an interference also with that fixed capital so eloquently dwelt upon by the right hon. Baronet, the Secretary of State for the Home Department. What was the cure? They were diminishing in that manner the effective production of all the great staple articles of manufacture no less than 20 per cent. If they destroyed the profit of a manufacturer by cutting off two hours of labour, they, in effect, deprived the labourer of the means of earning his subsistence; so that, acting from the most benevolent motives, they might be inflicting the greatest of all possible evils upon the very class they sought to benefit. As the right hon. Baronet had alluded to the argument of not destroying the profits upon manufactures, he (Mr. Gibson) would read some remarks upon that point by Mr. Senior, a gentleman whose name would be of great weight with hon. Members. In 1836 or 1837, Mr. Senior, with some other gentlemen, went into the manufacturing districts with the view of ascertaining the effect of factory legislation, and making observations upon the factory population. Mr. Senior wrote a letter dated the 28th March, 1837, to Mr. Poulett Thomson to the following effect:—

"Under the present law, no mill in which persons under eighteen years of age are employed (and, therefore, scarcely any mill at all), can be worked more than eleven and a half hours a-day, that is twelve hours for five days in a week, and nine on Saturday. The following analysis will show that in a mill so worked the whole net profit is derived from the last hour. I will suppose a manufacturer of 100,000*l*.—80,000*l*. in his mill and machinery, and 20,000*l*. in raw material and wages. The annual return of that mill, supposing the capital to be turned once a year, and gross profits to be 15 per cent., ought to be goods worth 115,000*l*. produced by the constant conversion and re-conversion of the 20,000*l*. circulating capital, from money into goods and from goods into money, in periods of rather more than two months. Of this 115,000*l*., each of the 23 half hours of work produces 5-115ths, or 1-23rd. Of these 23-23rds (constituting the whole 115,000*l*.) 20, that is to say, 100,000*l*. out of the 115,000*l*., simply replace the capital—1-23rd (or 5,000*l*. out of the 115,000*l*.) makes up for the deterioration of the mill and machinery. The remaining 2-23rds, the last two of the twenty-three half hours of every day, produce the net profit of 10 per cent. If, therefore, (prices remaining the same), the factory could be kept at work thirteen hours instead of eleven and a half, by an addition of about 2,600*l*. to the circulating capital, the net profit would be more than doubled. On the other hand, if the hours of working were reduced by one hour per day (prices remaining the same), net profit would be destroyed; if they were reduced by an hour and a half, even gross profit would be destroyed. The circulating capital would be replaced, but there would be no fund to compensate the progressive deterioration of the fixed capital."

It was clear that this principle of Mr. Senior's was sound, and if hon. Gentlemen would consider it carefully they would find it indisputable. The House would consider whether they would not, as the right hon. Baronet had expressed it, be affecting the safety and stability of the great staple manufactures, under the impression that they were legislating humanely for the working classes, while, in point of fact, the result would be that by the depreciation of manufactures, the greatest possible injury would be inflicted upon the operatives. The noble Lord had made a statement which had caused some surprise relative to the number of miles a piecer would have to travel in a factory, and had put forward calculations made by an eminent mathematician. But the noble Lord's mathematician had theorized upon paper only, while he (Mr. Gibson) had a statement made from actual counting and measurement of the number of steps made by a piecer. The same calculation and measurement had been made by several persons without concert, and they had all arrived at nearly the same result, which, however, was very different to that which had been come to by the mathematician quoted by the noble Lord. It was found that on a full day's work of twelve hours, the average number of miles traversed was not thirty-seven, but eight. The following was the passage:

> "We caused, therefore, the number of steps made by the piecers to be counted, in a variety of mills, spinning every variety of yarn, from the coarsest to the finest numbers. As the experiment was tried by different people in Hyde, Stayleybridge, Manchester, Lancaster, Bolton, and other places, without any communication with each other, the general uniformity of result may be considered as a proof of accuracy."

With regard to the old persons, the same gentleman who had been alluded to by the right hon. Baronet had assured him (Mr. Milner Gibson) that he had on his own mill persons who had been in his employ for forty years; and that some of the oldest persons he knew of in the neighbourhood had been factory operatives. The noble Lord would, he hoped, consider whether shortness of life might not be attributable to other causes than factory labour, and whether other influences connected with all large towns had not their share in producing the effect. In Manchester, and other large manufacturing towns, it would be found that the evil was attributable to other causes than factory labour, and that, in fact, the operatives themselves were the healthiest portion of the population of those towns. Habits of dissipation and other causes were to be considered, and he thought that the noble Lord had overrated the influence of factory labour in producing disease and shortness of life. He should be sorry to give expression to any heat on this matter, but he must complain of the noble Lord in one respect. While the noble Lord was depicting all the sufferings and evils endured by the unprotected poor in the factory districts—while he dwelt upon the total absence of all domestic comforts to the men, from the necessity of their wives labouring at unreasonable hours — and while he spoke of mothers dosing their children with opium, that they might themselves attend at the mills—while the noble Lord was urging these points, did it never occur to him to ask what was the cause of all this sacrifice of the domestic affections? How could the noble Lord reconcile the two courses he was himself pursuing—that of lamenting the necessity of the people to undergo all this protracted toil on the one hand, while on the other he espoused a law which limited the field, and consequently diminished the remuneration of labour? But the description of the poor man was not a new one. Mr. Horner had long since spoken of the labouring classes of this country as little better than serfs. He said that a labourer could not be considered a free man, because he had not the free disposal of his labour. Had the Legislature done anything to put the axe to the root of this evil? He Mr. Gibson) was prepared to do so. It was not he who hesitated; it was the noble Lord, the Member for Dorsetshire. He (Mr. M. Gibson) was for increasing the field of employment, so that the labouring population might be able to take care of themselves, and not be driven to the necessity of working for such protracted hours. That appeared to him to be the right way in which the evil complained of by the noble Lord should be cured. He confessed, when he found hon. Members coming forward in that House, and expressing such great sympathy for the labouring classes, he was not quite ready to give them credit for sincerity on finding them, at the same time, so reluctant in making the least sacrifices on their own parts, in order to afford the people the enjoyment and advantage of a free market for their labour. Nothing was so easy as to sympathise and be generous at the expense of others. If the landed gentry really wished to gain credit for the welfare of the people, and for a desire to place the labourer in a better condition than he was in at present, they should come forward in a truly liberal spirit, and at once consent to a repeal of the Corn Laws. They should do their utmost to give full scope to the exertions of industry by widening the field of manual employment. With regard to the labour of children, to which the noble Lord had alluded, many of the evils which children were formerly liable to, were provided for and protected against by the present law. Children under thirteen years of age did not undergo any of the evils mentioned by the noble Lord. They were protected by the existing Factory Bill. The noble Lord had argued that he must legislate upon this matter by degrees; but partial legislation had evils peculiar to itself. This piecemeal legislation entailed evils upon the people, which deserved the serious consideration of the Legislature. What had been the effect of legislation upon the children under the age of thirteen years? Mr. Stuart himself stated that the effect of the system had been to exclude children under thirteen, and they were thus driven to a worse description of labour. And what had been the result? Had their condition been improved, or their morals better preserved? On the contrary thousands of them were picked up in the streets by the police. The noble Lord would experience great difficulty in carrying out his own principle. The reports before the House, on the condition of many other classes of the people, showed that there existed as great a necessity for Parliamentary interference in respect to them, as there did in regard to factories. The case of the young women employed by milliners and dress-makers most prominently presented itself to notice. Nay, if the system of inquisition were to be thoroughly carried out, he knew not a more likely case for investigation than that which might be furnished by the large establishment in Printing-house-square. Inspectors might fairly be appointed to inquire how many persons were employed in carrying on that great concern, and how many hours they laboured. By following up the principle, many of the strongest advocates of the present measure might become liable to a supervision and examination such as they would, he believed, be very unwilling to submit to. It was his impression that the end of this system of inspection would be to compel them to retrace their steps, and adopt the sounder principle of giving the labouring population the power of taking care of themselves. The noble Lord, the Member for Newark (Lord John Manners), visited the manufacturing districts last year. If the noble Lord were present he (Mr. M. Gibson) hoped he would tell the House what he witnessed, and what was the result of his own observation. He thought the noble Lord would say, that he found things better than he expected. Whatever evils might be ascribed to the drawing labourers from the agricultural districts, he believed it would be found that those who once came from those districts, and obtained employment in the manufacturing towns, never wished to return to their abodes. He knew of one instance where a man who had come from an agricultural district, declared, that after residing in a manufacturing town he would sooner be transported than go back to his parish. As the House had had a very painful picture drawn of the people employed in factories, he would just refer to what Mr. Senior, an inspector of factories, said on the subject. Mr. Senior, was a fair, impartial, and unbiassed witness. He was not a manufacturer; but was a scientific man. His words were:—

> "The general impression on us all as to the effects of factory labour has been unexpectedly favourable. The factory workpeople in the country districts are the plumpest, best clothed, and healthiest looking persons of the labouring class that I have ever seen. The girls especially are far more good looking (and good looks are fair evidence of health and spirits), than the daughters of agricultural labourers. The wages earned per family are more than double those of the south. We examined at Egerton three of the Blidlow pauper migrants. Being fresh to the trade they cannot be very expert, yet one family earned 1*l.* 19*s.* 6*d.*; another, 2*l.* 13*s.* 6*d.*; and the other 1*l.* 16*s.* per week. At Hyde we saw another. They had six children under thirteen, and yet the earnings of the father and two elder children were 30*s.* a week. All these families live in houses to which a Gloucestershire cottage would be a mere outhouse. And not only are factory wages high, but, what is more important, the employment is constant. Nothing can exceed the absurdity of the lamentation over the children crowded in factories. Crowding in a factory is physically impossible. Bailey's weaving room, covering an acre of ground, had not space among the looms for more than 170 persons."

He only read this to show that the factory population was not in so destitute a condition as represented by the noble Lord. If they would by their laws make the system of competition so severe, as to impose the necessity on the working classes to work themselves almost to death, to obtain the means for a bare subsistence, what right had they to complain of the evils that must necessarily arise out of such a state of things? But that competition must necessarily result from the present system of legislation. Labour it was true, was the condition of existence with the great mass of the population of all countries. But what they had to consider more seriously in the present case was not whether the labour of the people was severe, but whether they as legislators were justified — considering the competition for labour, and as a matter of public policy — to prevent the people from working as long as it was necessary for them to work in order to satisfy their own wants. If the Legislature limited the period of labour to ten hours a day, while labourers on the Continent worked twelve and fourteen hours, how was it possible for the English labourer to compete with the foreigner?

Mr. *John S. Wortley* thought the object of his noble Friend had been misstated: he did not propose to place any restriction on labourers in factories; he merely proposed to apply a restriction to the time of labour of a certain portion of the persons employed. The hon. Gentleman who had just addressed the House had alluded briefly to the Corn Laws. If he abstained following the hon. Gentleman on that topic, he trusted the House would not suppose that he admitted or admired the soundness of the logic of the hon. Gentleman. [" *Hear, hear.*"] Hon. Gentlemen might cheer, but they were not warranted in the inference that he was afraid to enter into that argument on a fit occasion. But on the present question, he thought it right to adopt the recommendation of the right hon. Gentleman (Sir James Graham), and to separate it altogether from topics of an irritating and party nature. He could not help expressing his deep regret that the right hon. Gentleman should have thought it necessary to express himself so decidedly hostile to the Motion of his noble Friend. It was now eleven years since his noble Friend first pressed this question on the attention of the House. He supported it by such incontrovertible facts, by such circumstances, and by such strong proofs, as induced Parliament to depart from a principle to which, at all other times, it would be most anxious to adhere—the principle of abstinence from all interference with the disposal of labour. During the eleven years the statute had been in operation, it had given satisfaction to those concerned in its operation; and he believed, that if the question were now to be put to them, whether they thought that the Factory Act should exist, or whether the factories should be without any legal regulation at all, their opinion would be decidedly in favour of the operation of the present Bill. The real aim and object of his noble Friend was not to interfere with the disposal of labour in factories, but to bring the duration of that labour to such a point as might be considered fair and reasonable. It was impossible not to feel the unnatural state in which labour was now employed in factories. Male labour was superseded by the labour of women, and adult labour was superseded by the labour of children. The main objection to his noble Friend's Motion was, as to the extreme danger there was of its working prejudicially to the manufacturing interests of the country. There might be, perhaps, some plausibility in that argument; but did not the House recollect, that precisely the same argument was used before the passing of the existing Act? They were always told, that it would ruin the manufactures of this country, and destroy their power of competition with foreign nations. Still legislation did take place, and still English manufactures did flourish, and he believed that the law had produced a good effect without any injury to any party. Hence he was disposed to argue that they might now venture to take a further step in the right direction. The risk, he believed, would be none if it were properly taken. No danger need be incurred either to trade industry, or manufactures. The right hon. Baronet (Sir J. Graham) had said, that this measure if adopted would control adult labour. So far as women were concerned, the law, as it now stood, applied to them; but it would not affect male adults. Another objection was on the ground that, by limiting the amount of human labour, a great acceleration would be given to the improvement of machinery. Even if that were so, he (Mr. J. S. Wortley) was not aware that any great injury would be done by it, because, in proportion as those improvements were introduced, was the probability that trade would extend, cheapness follow, and a greater demand in other branches of human labour be created. But, even supposing the measure of his noble Friend were to restrict in some degree the labour of the people, still they would not be without compensation from the effect it would have to lessen the duration of labour. The right hon. Gentleman spoke also of the reduction of the amount of wages as a serious objection to this measure. But the right hon. Gentleman and the Legislature had already been repeatedly told that even were there to be some reduction in the wages, there would still be on the part of the workpeople a readiness to face and encounter such a risk, and that they would think themselves repaid by the relief they would experience morally and physically, in the curtailment of their hours of labour. If the workpeople were not opposed to this reduction of time, so neither were all those whose capital was embarked in manufactures. There was a large portion of master manufacturers who were favourable to the principle which his noble Friend was endeavouring to carry out. Two years since a petition was presented by himself from near 300 of the mill-owners in the West Riding of Yorkshire, in which they expressed their conviction that such a measure in no degree endangered the interests of the manufacturers. He hoped, therefore, that legislation would proceed further with this restrictive measure. Considering the circumstances and the state of society in the manufacturing districts, and the equity of the present claim upon the Legislature, he firmly believed that much time could not elapse before it would feel itself compelled to adopt a measure of this nature.

Mr. *H. G. Ward*: No man in this House has listened with deeper attention to the noble Lord than myself; and certainly I am bound to say, that all my feelings and all my sympathies have been in favour of the course which he has proposed. But when I come to weigh the consequences of that course—when I come to look not only to the interest of the one class whose cause the noble Lord is advocating, but to the interests of the many classes which this measure would materially effect—I feel that I cannot adopt the principle of interference advocated by the noble Lord—above all, to the extent he would carry it, without incurring the greatest possible responsibility as regarded the general welfare of the country, and, more especially, as regarded the whole manufacturing interests of the Kingdom. It is impossible to have listened to the argument of the noble Lord, and especially to the description he gave of the state of degradation and misery which existed among the labouring classes in the manufacturing districts, without wishing that it was in the power of Parliament to apply an efficient remedy. But will any body say, that this House can apply a remedy? Will anybody deny that we may most seriously aggravate the evils by attempting to cure them? The argument of the noble Lord, if legitimately carried out, goes against the system of manufactures by human labour altogether. It is not merely a question between a twelve hours' Bill and a ten hours' Bill, but it is in principle an argument to get rid of the whole system of factory labour. The noble Lord said that the system would become aggravated unless restrained. Where is that restraint to stop? Would a ten hours' Bill do it? Would an eight hours' Bill do it? Would any such system cure those domestic evils of which the noble Lord so feelingly complains? Will it restore the mother to her children, that might enable her to perform those maternal duties, the want of which now exposes those children to the evils of idleness, and to all the vices and immoralities that ensue from neglect? Would it stop the increase of the people? The noble Lord has pointed out evils—if there be any evils—arising from the manufacturing system altogether, and not merely arising from the time to which the labour of the workpeople extends. But if we interfere with one class of manufactures, how can we deny the duty of interfering with all? And if I can show 10,000 worse cases than those which the noble Lord has pointed out, how can the House escape the difficulty of either involving itself in general legislation upon the subject of labour, or in the inconsistency of legislating partially? I can show among my own constituents that there are descriptions of labour which are inevitably fatal to those engaged in them within a certain limited period; yet there are persons who feel themselves forced into it, and who incur all the danger, for the sake of the immediate advantages it brings with it, of death being its almost certain result. The hon. Gentleman who has just addressed the House has exhorted Gentlemen on this (the Opposition) side of the House to abstain from mixing up the present question with any party or irritating subject. It is not because it is a party or irritating subject that we are opposed to it. We might with the greatest ease turn this into merely a Corn Law debate; but we have not come to do that. But when the noble Lord proposes a most important measure for regulating human labour, in consequence of many evils which he states to result from the excess of toil on the part of women and children, I, without wishing to mix the question up with any party or irritating subject; have a right to ask what is the cause of those evils which the noble Lord wishes to remove? What is the cause which obliges the people to labour to this excess? There is no inborn love of work within them. No man, except from necessity would devote himself to toil. Their lot, as it happens to be cast in the different ranks of society, does not necessarily deprive them of the love of enjoyment and of leisure. I believe that there is as much natural affection and as much desire to retain the woman in her own proper domestic circle among the working classes, as there exists among ourselves. No, it is not from a difference of nature that men and women and children toil during a long period of hours, but it is necessity that compels them to do so. Such is the pressure of that necessity upon the working classes, more especially, that you find men driven to do things, which, when we come to reflect on the consequences, strikes us as almost criminal, and as casting a blot on the social system; and then it is that we are induced to look to legislation as the means of affording some remedy for the evil. Poverty is enacted by the law, and then other enactments are necessary against the consequences which poverty compels men to resort to! If it be said, as it has been said, that no allusion ought to be made to the Corn Laws, the answer is, that by the admission of all parties they materially affect the demand for labour. It is upon the permanent demand for labour that the wages and the comforts of the operative classes depend. No doubt, it may be fairly argued, that one class of labourers may be injured by the repeal of the Corn Laws. The noble Lord (Lord Ashley) said, that even his motives had been doubted, and I thought it possible that he might allude to me; and as I never say out of the House what I am not ready to repeat in it, I will remark that much as I admire the beautiful benevolence of his character, and the touching sincerity of his humane feelings, yet I see him shrink from going to the bottom of the question, and he deals, therefore, rather with symptoms than with the disease. That is my conviction. I do not say that his remedy will not cure some evils, but I believe with the right hon. Baronet (Sir J. Graham), that the first effect of this Bill will be produced upon wages. Where population is as redundant as ours—where such difficulty is often experienced in obtaining employment, and where at times, there exists such earnest anxiety to procure it, I believe that wages will be the first thing to feel the effects of this measure. As Mr. Horner says, labour is free in name, but it is not free in fact; capitalists can obtain a supply of it when they want it, and if, by any means, you sharpen competition, and render it necessary for the profitable carrying on of their trade, that they shall have everything at the cheapest rate, the first thing they will do will be to reduce the wages of those they employ. When I am called upon to examine the question as the noble Lord has brought it before us, I must look not only at what he says but at what others have said. There was a meeting the other day in Leeds, and a very enlightened and intelligent Gentleman, Dr. Hook, the vicar of Leeds, gave his view of a Ten-hours' Bill, and what did he state were the objects in view? If those objects, as he mentioned them, could be realised, we should have nothing short of an earthly Paradise in this country. Dr. Hook wished that women should be released from the necessity of labouring at all, and this would be a most desirable condition of things if it could be accomplished. Would to God that such a blessed state of things could be created!

> "The business of women," said he, "is to make home happy and comfortable to man; after the man has earned sufficient for the support of his family, not by overworking, but by such moderate labour as may enable him to prepare his own mind and give instruction to his children, he ought to return to his cheerful and contented fire-side. These are the objects we have in view."

We may suppose such a state of affairs in a most prosperous community, where a man at the end of his moderate day's labour shall be able to repair to his family circle and spend the evening in the company of his wife and in the education of his children; but I do not know in what part of the world such a condition of society exists, and I am quite sure that it has never existed in any part of the history of this country. Dr. Hook and Mr. Oastler tell us that a Ten-hours' Bill is a panacea for all evils; but I will ask any man whether the noble Lord in his speech showed a single ground to make us believe that the measure now under consideration will contribute in any degree to the attainment of the end in view. I do not wish to go at all at length into the question; but I oppose the Bill from a strong desire to benefit the operative classes, and from a perfect conviction that interference of this kind will be utterly fruitless. No manufacturer can carry on his trade unless he can obtain a remunerative return for his capital; and admitting the truth of what was said by the right hon. Baronet, that a well-regulated self-interest is the great moving principle with the world, you cannot expect manufacturers to neglect it. I believe that the House could not enter upon a task more fraught with danger than to make an attempt unduly to restrict the hours of labour, since it is founded upon a false principle of humanity, which in the end is certain to defeat itself.

Lord *Francis Egerton:* I shall preface the few observations I intend to make by an avowal that I mean to vote for the Motion of my noble Friend. In my estimation he is an object of envy for the high character which his long, unwearied, and consistent exertions have earned for him in all parts of the Kingdom. He is the more an object of envy, from the perfect confidence and strong conviction he feels as to the result of the measure he has brought forward. I confess, that after having listened to his admirable speech with great attention, I have not arrived at the same confidence and conviction: it is often on a balance of probabilities, and on a balance of probabilities only, that we are compelled to act; and looking at the state of public opinion in the country, and at the laws triumphantly passed, adopting the principles of interference with labour, I have come to the persuasion, that what is now proposed will be more efficacious for good, than any other course we could pursue. The observations of my hon. Friend, the Member for Sheffield (Mr. H. G. Ward), are liable to this objection, that he goes on the principle of total non-interference. I am aware, that some persons of strong heads and clear understandings, whom nobody more respects than I do, have deprecated interference as bad political economy: this principle, however, has been departed from, and the question now is, whether we can revert to the principle, or whether another measure shall be added to the course of legislation in an opposite direction to that which we have hitherto adopted. The hon. Member for Sheffield asks whether the Bill of my noble Friend would obliterate the evils essentially connected with the system of manufactures? I am not aware that my noble Friend has declared any such unattainable object. To apply an absolute remedy to all the evils detailed by my noble Friend with so much feeling and ability may be, and very likely is, impossible; but surely it is possible to apply some mitigation to those evils. I for one should be glad if by any proceeding we could prevent a woman from ever entering a factory again; I know and acknowledge that it is out of the question, but at the same time it appears to me that by passing a law under which a woman shall be required to stand only a smaller number of hours in a factory instead of a longer, you gain at all events something, if not a material advantage. The hon. Member for Manchester, on the authority of a learned Friend of mine out of the House, has drawn what some think a flattering picture of the state and appearance of women, especially young women, employed in the factories. Of course their appearance varies in different localities; but I believe the statement is, in many respects, not inaccurate. I have myself been struck by the same thing and in my own neighbourhood. I have often had occasion to pass factories at the time when females have come out to take their meals by the side of the public road, and I may almost say, that I know no prettier sight. Certainly it was not such as to lead a stranger to condemn the factory system; but I think, if my learned friend, Mr. Senior, had followed them into their cottages, he might not have found his opinion always confirmed. Those who are engaged at work preserve an appearance of health and cheerfulness; but, on entering cottages, with the interior of which I am somewhat acquainted, I have seen girls, once of great strength and beauty, who, at a certain age, have one by one dropped out of the factory. I have asked them whether they had anything to complain of in their treatment, and they have answered no—that they had been well treated by their master, who had perhaps risen from their own ranks of life, and was disposed to pay them every due attention; he was a very kind and considerate man; but they added that they had been unable to stand at work for so many hours—that twelve hours had proved too much for their strength—that their chests had become affected, and that their mother had therefore been obliged to take them away. This was the case with two girls in the same family, and I am informed that it has continually occurred. A passing observer is not able to judge of the effects of labour upon young persons. My hon. Friend, the Member for Sheffield, says, that if we pass this Bill, it will be necessary to apply a remedy to the evils of other employments more injurious to health than factories. I think we should do so when we can; and the principle reason for a Factory Regulation Bill has been, that you are able to carry it into effect. I am aware that the labours performed by the fork-grinders in the town with which my hon. Friend is connected is most destructive of health. Others, who are better acquainted with the subject than I am may not agree with me, but I can hardly admit the right of a parent to train up his children to such an occupation. In this instance, if it were possible, we ought to apply such remedies as can be invented, so as to enable those who now die at thirty to live out the natural period of existence. I admit therefore, the principle stated by my hon. Friend. You ought, if you can, to extend your legislation to such cases; but we are in a great measure stopped by the impossibility of accomplishing the end. My right hon. Friend the Secretary for the Home Department has opposed the Motion with great ability, and upon strong grounds. He has stated what I believe will most probably be the effect of the measure—the diminution of wages. At first visionary expectations were entertained upon this subject, and expectations which I think visionary, are still entertained. My hon. Friend (if he will allow me to call him so) the Member for Oldham told us formerly what passed between him and a body of men, during the Chartist outcry. He asked them what they wanted, and the answer was that they wanted twelve hours' wages for ten hours' work. I am afraid that this may still be one of the visionary expectations indulged, in connection with the Measure before the House; but I think that a diminution of wages will follow. I was prepared to believe that this consideration had been a good deal overlooked by some of the parties who desired the Bill, and I am bound to say that as far as my communications have gone, I have been undeceived upon that point. I never met with more rational or reasonable men than some of those I have seen upon this subject. They admit at once the probability of a reduction of wages; but they had balanced the probabilities, considered the evil, and were prepared to meet the consequences. It is partly upon that ground that I am disposed to consider the question in the light I view it. I admit that the present state of interference with factory labour is far from satisfactory, and I am very far from thinking that any sweeping measure, if you will have it, will be any great advantage. It is possible that the necessary diminution of wages, in the first instance, will be mitigated by additional activity and increased energy on the part of the operatives at the end of their day's work. I have always been told that when the hours are long, labour is carried on inactively and heavily, and perhaps better, if not more, work may be turned out with shorter hours. If I am wrong upon this point, I shall be glad to be corrected by practical men. The hon. Member for Manchester has spoken of the advantages factory labourers in some respects enjoy, and Mr. Senior supports this opinion; but I doubt if such be the fact in my own neighbourhood, especially during the depression arising out of the state of the American market, or, if you will, out of the Corn Laws. At all events, I am not of opinion that it can be said that factory labourers invariably have the advantage: on the contrary, a man in a good position on agricultural property, seems to me to have a better chance of permanent employment than a factory labourer. As to the great question incidentally introduced, I do not wish at all to dwell upon it, though I admit the right of hon. Members, if they think fit, to make this another Corn Law Debate. I do not, however, apprehend that the discussion of this Bill will derive any benefit from the introduction of so wide a question, but with the opinions held by the hon. Members for Manchester and Sheffield, it would certainly be too much to expect that they should not advert to it They must act upon their own opinions with respect to the Corn Laws, and I must act upon mine, differing as I do materially from them as to the advantages of Corn Law Repeal. I am not aware that it is necessary for me to say more in explanation of the vote I shall give, and I know that it will be received with great dissatisfaction by some Gentlemen in the part of the country where I live, from whom I differ with great regret; and without undue egotism, I may be allowed to observe that I am not liable to the reproach of being a landed gentleman, standing up to deal with other interests but his own. If a diminution of wages be the consequence of this measure, I believe that nobody will be more directly sensible of the change than I shall be; even in an agricultural point of view, as far as I possess land, I am entirely dependent upon the manufacturing market. I have therefore felt, and shall feel again, any decrease of consumption. I have only indulged in this reference in order to rescue myself from the imputation of being opposed to interests because they are not my own.

Viscount *Howick* confessed, that since he had had the honour of a seat in that

House, he had never known an occasion upon which he had experienced so much difficulty in making up his mind as to the vote he should give. He saw on both sides of the question considerations so weighty, that it had not been without very great hesitation, indeed, that he had arrived at the conclusion which he should endeavour to state to the House. On the one side it appeared that ten hours per *diem* was no inconsiderable portion of labour to require from women and young persons; for, if to that were added the time consumed in going to and from the mills, and the time necessary for meals, they could not reckon less than twelve and a half hours out of the twenty-four as being taken up away from their own homes — that was even in the event of the amendment of his noble Friend being carried. It certainly did appear that that was a very large portion of the day to be so occupied by women and young persons. Then, on the other side, it was perfectly true, that by agreeing to that amendment, wages might be reduced very considerably, and the parties for whose benefit this alteration was intended might in reality and in consequence be exposed to very great hardships. He was afraid it was also true, as had been stated by his hon. Friend the Member for Manchester, that though this Bill nominally applied only to women and young persons, yet that indirectly they were legislating for adults of the male sex, and that if they prohibited young persons from working more than ten hours they would render it practically impossible for the mills to be kept going beyond those hours. Then it was true as his hon. Friend the Member for Manchester had also stated, that if they adopted this principle in one trade it might be, with equal advantage, applied to others. There was no doubt that in many other trades and branches of industry abuses prevailed not less to be deplored than those then under the consideration of the House; but, in answer to that, he (Lord Howick) would remark, that the question was not whether they were to establish a principle of interference or not. He quite felt that that House was not, perhaps, very well qualified to decide upon questions as to the regulation of labour, but, on the other hand, they had adopted the principle; for, whether he voted for the amendment or for the Bill he equally took upon himself to decide what was the number of hours during which people ought to be engaged in labour. Upon that part of the subject he could not help remarking that the whole of the arguments of the right hon. Baronet, the Secretary of the Home Department, would have been quite as applicable if the question had been between twelve hours and fourteen, instead of between ten and twelve. He apprehended that the question had really resolved itself to this—having found it necessary to interfere, they had only to consider, knowing what they did of the capabilities of the human frame, and looking at all the authorities that could be obtained upon the subject, whether they should establish, as the term of labour in factories for young persons, ten or twelve hours. Upon the whole, when the question was put to him in that shape, he must say that he thought ten hours was as much as they ought, with propriety, to allow He had come to that conclusion, under great apprehension as to what might be the result, and, after duly weighing the subject, he did think that the balance was in favour of shortening the long hours of labour. The hon. Member for Manchester had stated that, if they took that decision with respect to factories, they should be called upon to carry the principle farther. He was aware that such must be the case; for he did think that inquiries of late years had established the conclusion that they could not entirely rely upon the principle that men were the best judges of their own interests, and would always do that which was best for themselves. The reports which, of late years, they had had from various Commissioners had shown that there was great need for regulation. It was found that great abuses existed both as to the number of hours of labour exacted, and in other matters, against which neither masters nor workmen as individuals had practically any power of struggling. In the hope of increasing their profits particular persons were sometimes induced to extend unduly the hours of labour or to introduce some other objectionable mode of carrying on their business, by doing so they obtained so great an advantage over their competitors, that the latter were in self-defence compelled to follow the example that had been set, and thus abuses became established, which the great majority of those carrying on particular branches of trade might deplore, but none acting singly could venture to abandon. This he thought a very serious evil. Its origin was intense competition, and they could not hope effectually to remedy the evil unless by some means or other they could diminish that intensity of competition which was now animating the capitalist and the workman. That could only be effected by enlarging the field of their employment, by breaking down those artificial barriers and restrictions by which it was now hedged in and confined. Unless they were prepared to do that, they must expect to see that intensity of competition which he (Lord Howick) believed to be the origin of the whole of the evil, become daily greater and greater. He feared he could not expect that Parliament would now, (though ultimately no doubt they would) consent to adopt the step which was the only effectual cure for the evil; but it did not follow though they could not remove the evil altogether that they might not do something to palliate it; and it certainly did appear to him that, in the absence of that more complete remedy which he should wish to see applied, it might be advisable to take measures to check the abuses which under the stimulus of intense competition did arise in the mode of carrying on certain great manufacturing branches of our industry. With that view he was prepared to vote for the adoption of that measure, and, adopting that measure, he thought it would be more perfect in the shape proposed by the noble Lord opposite, than in the shape proposed by Her Majesty's Government. At the same time he could not help observing that this discussion, and every similar discussion made him feel more and more painfully how incompetent that House was to deal satisfactorily with questions of that description, and he could not help thinking that in adopting that Bill they were recognising principles which they ought to carry out further. It at least deserved the consideration of Gentleman upon both sides of the House whether they might not, to a certain degree, meet the difficulty which they experienced of introducing the necessary regulations with regard to trade, and do something by which the parties interested should themselves choose the regulations which were required. It did not appear to him altogether impossible to form some body in which the interests both of the masters and of the men should be represented, which should have authority to frame regulations for carrying on those branches of industry which Parliament was confessedly incapable of itself framing with advantage. The guilds and corporate trades in the Middle Ages possessed a power of that kind, and though in the sequel, no doubt, they became liable to great abuse, they were in the outset of great advantage in encouraging the first seeds of trade and civilization. Similar bodies he believed might now be created with advantage, proper precautions being taken to guard against their degenerating into a mischievous monopoly, while a power might be committed to their hands for making regulations upon this subject. He was the more impressed with this idea when he saw how the trades' unions had flourished in this country, and had maintained themselves even in spite of severe laws against them, as well as when those laws were relaxed. That fact seemed to his mind to afford no slight ground for concluding that they had arisen out of a necessity for some system of organization of those trades and branches of industry; and it certainly appeared to him that it would be a very great advantage if for these unions not recognized, though very properly no longer prohibited by the law, and exercising a power really resting upon intimidation, they could substitute corporate bodies, having a legal authority, and composed not exclusively of one class, but of the two classes of the employed and their employers. Some such bodies might he thought be formed, all together, bodies whose powers should be strictly defined and regulated, and in which not only the working classes, but their employers should have a share of authority; the whole to be placed under the supervision of the Crown. Though this Bill might pass into a law, he trusted that, with reference to the future, some organization of the kind he had alluded to might be adopted, by which without bringing before Parliament details with which it was unfit to deal, regulations might be made not only with regard to factory labour, but that of other trades also; the subject was important, and he hoped would receive the serious consideration of some Gentlemen more able than himself to come to a practical conclusion upon the question, whether it might not be possible by some such means as he had suggested, to meet the difficulties of regulating the mode of carrying on some of the great branches of industry in this country.

Viscount *Sandon* would trouble the House with only a remark or two. Some hon. Gentlemen seemed to ascribe the whole difficulty of this subject to the want of free trade in corn. But other countries, such as Prussia and the United States, which had no Corn Laws to complain of, were just as much compelled to protect the working population as we were, against the infliction of long hours. Again, this very question of the limitation of factory labour to ten and a half hours was proposed in 1815, by the late Sir R. Peel, a Gentleman competent to the subject beyond all others, before the present Corn Laws were enacted, or at least had come into operation. Resting on these two simple facts, he thought it was impossible for those who resisted legislation upon this subject to say that the evils to be remedied were caused by the absence of free-trade in corn. He conceived the course proposed by his noble Friend was an experimental one, but there was great reason to hope that it would be successful. He believed that with some of the great manufacturers of this country the principle of this Bill had been in favour for some time past. In Leeds he believed many manufacturers never worked more than eleven hours even now, while their neighbours worked from twelve to fourteen hours; still the manufacturers of Leeds were able to compete with their rivals. His belief was, that the Bill would have the effect of equalizing labour, so that instead of working by fits and starts, the labour would be extended over the whole year. That would be of an immense benefit to the factory labourers. It would be far better for them to get only 12*s.* a-week regularly, than to earn 16*s.* and 18*s.* now and then. Their houses and families would be better provided for and made more comfortable, while they would not have so much idle time to visit the alehouse at one time, nor would they and their wives and children be overworked at another. What he wished to see was the workers in factories placed on the same footing with regard to hours as all other workers. The agriculturists might be taunted because their labourers were not better paid, but not that they were overworked. The women went home an hour earlier than the men, and came later to work. The hours of labour for men were from six o'clock in the morning to six in the evening, except in harvest time, when extraordinary exertion became necessary. They only asked for legislation in favour of women and children, and they had no right to interfere with the labour of others, but, if the effect of this measure should incidentally be a reduction in the hours of labour to the adult man, he should not regret it. The House should recollect that they were dealing not with the ill-paid weaver, but with the well-paid spinner, whose wages could better bear some reduction if necessary for this great improvement in their condition. He believed that the manufacturers themselves would not suffer by this reduction; many, no doubt, were apprehensive of the effects; others not. A few in favour should outweigh many apprehensive,—their work would be better done. All men were apprehensive of the effect of changes forced upon them in their own business. Let them remember the alarms expressed on the occasion of the Tariff. Yet how much of that alarm proved to be ill-founded. He thought it most desirable for the House to come at once to a final settlement of this question, which had been long agitated, and would never cease to be agitated, for the working men could not be insensible to what was due to their wives and children. It was an agitation, which in its nature could never cease and never ought to cease. Steps must be taken to render the extension of our manufacturing system compatible, as it might be, with the best interests of order, society and religion. For these reasons he was prepared to go the length of the noble Lord, the Member for Dorsetshire.

Mr. *Bright* said, it is with unfeigned reluctance that I rise to speak, having so recently addressed the House at some length, but being intimately connected with the branch of industry which is affected by the proposition now under consideration, and having lived all my life among the population most interested in this Bill, and having listened most attentively for more than two hours to the speech of the noble Lord, the Member for Dorsetshire, I think I am entitled to be heard on the question now under discussion. I have listened to that speech without much surprise, because I have heard or read the same speech, or one very like it, on former occasions, and I did not suppose that any material change had taken place in the opinions of the noble Lord. It appears to me, however, that he has taken a one-sided view, a most unjust and unfair view of the question; it may not be intentionally, but still a view which cannot be borne out by facts; a view, moreover, which factory inspectors and their reports will not corroborate, and one which, if it influence the decision of this House, will be most prejudicial to that very class which the noble Lord intends to serve. The right hon. Baronet, the

Secretary for the Home Department, who is, I presume, the promoter of this Bill, should have given the House some reason for the introduction of a new Factory Bill. No such reason has yet been given, and I am at a loss to discover any grounds on which it can with fairness be asserted that the Bill now in operation has failed in its effect. I know the inspectors affirm that it cannot be fully carried out. Every body who knows any thing of the manufactories of the North, knew when it was passed that it could not be fully carried out; and the proposition now made, is to render this impracticable Act more stringent. In a trade so extensive, employing so many people, carried on under circumstances ever varying, no Act of Parliament interfering with the minute details of its management, can ever be fully carried out. I am not one who will venture to say that the manufacturing districts of this country are a paradise; I believe there are in those districts evils great and serious; but whatever evils do there exist are referable to other causes than to the existence of factories and long chimnies. Most of the statements which the noble Lord has read, would be just as applicable to Birmingham, or to this metropolis, as to the northern districts; and as he read them over, with respect to the ignorance and intemperance of the people, the disobedience of children to their parents, the sufferings of mothers, and the privations which the children endure, I felt that there was scarcely a complaint which has been made against the manufacturing districts of the north of England, which might not be urged with at least as much force against the poorest portion of the population of every large city in Great Britain and Ireland. But among the population of Lancashire and Yorkshire, where towns are so numerous as almost to touch each other, these evils are more observable than in a population less densely crowded together. I can prove, however, and I do not wish to be as one-sided as the noble Lord, I can prove from authorities, which are at least as worthy of attention as his, the very reverse in many respects of what he has stated as the true state of those districts. Now the Committee will bear in mind that a large portion of the documents which the noble Lord has quoted, have neither dates nor names. I can give dates and names, and I feel confident that the authorities I shall cite are worthy of the deepest attention. I must go over the grounds of complaint which the noble Lord has urged, and although I may run the risk of being a little tedious, yet considering that for two hours or more I have listened to the charges which he has made, I do think that, connected as I am most intimately with the population and the district to which the noble Lord has alluded, I have a right to an audience for the counter-statement which I have to make. Now, with respect to the health of the persons employed, and I will speak more particularly of the Cotton trade, with which I am more immediately connected, Mr. Harrison, the inspecting surgeon for Preston says:—

> "I have made very particular inquiries respecting the health of every child whom I have examined, and I find that the average annual sickness of each child is not more than four days; at least not more than four days are lost by each child in a year in consequence of sickness. This includes disorders of every kind, for the most part induced by causes wholly unconnected with factory labour. I have been not a little surprised to find so little sickness which can fairly be attributed to mill work. I have met with very few children who have suffered from injuries occasioned by machinery; and the protection, especially in new factories, is now so complete, that accidents will, I doubt not, speedily become rare. I have not met with a single instance, out of 1,656 children whom I examined, of deformity, that is referable to factory labour. It must be admitted that factory children do not present the same blooming, robust appearance, as is witnessed among children who labour in the open air; but I question if they are not more exempt from acute disease, and do not, on the whole, suffer less sickness than those who are regarded as having more healthy employments."

This was the statement of a man who had for a long time been inspecting-surgeon in a district where there are a large number of mills, and it may be taken as a fair criterion of the rest. In the analysis of the Factory Report, page 16, I find the following statement:—

> "In conclusion, then, it is proved, by a preponderance of seventy-two witnesses against seventeen, that the health of those employed in cotton mills is nowise inferior to that in other occupations; and, secondly, it is proved by tables drawn up by the secretary of a sick club, and by the more extensive tables of a London actuary, that the health of the factory children is decidedly superior to that of the labouring poor otherwise employed."

From the Factory Inspectors' Reports

in 1834, I have extracted the following testimony, and no doubt this evidence is quite as good as if it had been given this year; for from that time to this there has been a progressive improvement in everything relating to the management of the factories of the north of England.

> "The general tenor of all the medical reports in my possession confirms Mr. Harrison's view of factory labour on the health of the younger branches of working hands. It is decidedly not injurious to health or longevity, compared with other employments." Then, in page 51, Mr. Saunders says, "It appears in evidence, that of all employments to which children are subjected, those carried on in factories are amongst the least laborious, and of all departments of in-door labour, amongst the least unwholesome," Mr. Horner says, "It is gratifying to be able to state, that I have not had a single complaint laid before me, eiaher on the part of the masters against their servants, or of the servants against their masters; nor have I seen or heard of any instance of ill-treatment of children, or of injury to their health by their employment." And on the 21st of July, 1834, speaking on the employment of children, he says:—"And as their occupation in the mills is so light as to cause no bodily fatigue, they would pass their eight hours there as beneficially as at home; indeed, in most cases, far more so."

It was further proved in the evidence of the Factory Commission, that the height of boys and girls employed in agriculture, whilst it exceeds materially that of those employed in mines, does not sensibly exceed that of those employed in mills, and it was tried in the case of upwards of 1,000 children. As to other trades, the noble Lord alluded to the condition of the milliners in this metropolis. I have some extracts from the Report with respect to their condition, but at this late hour I will only detain the House by reading a few of them. It is supposed that there are about 15,000 young women employed as milliners in London; and I believe that is about the number of young persons employed in all the factories under the Factory Act. That Report says:—

> "In some of what are considered the best regulated establishments, during the fashionable season, occupying about four months in the year, the regular hours of work are fifteen, but on emergencies, which frequently occur, these hours extend to eighteen. In many establishments the hours of work during the season are unlimited, the young women never getting more than six, often not more than four, sometimes only three, and occasionally not more than two hours, for rest and sleep out of the twenty-four, and very frequently they work all night." The Sub-commissioner says —"The protracted labour described above is, I believe, quite unparalleled in the history of manufacturing processes, I have looked over a considerable portion of the Report of the Factory Commission, and there is nothing in the accounts of the worst-conducted factories to be compared with the facts elicited in the present inquiry. I have also the evidence of Sir James Clark, the eminent physician, who says, "I have found the mode of life of these poor girls such as no constitution could long bear. Worked from six o'clock in the morning to twelve at night, with the exception of the short interval allowed for their meals in close rooms, and passing the few hours allowed for rest, in still more close and crowded apartments—a mode of life more completely calculated to destroy human health can scarcely be contrived, and this at a period of life when exercise in the open air, and a due proportion of rest; are essential to the development of the system." The Sub-Commissioner says—"The evidence of all parties establishes the fact that there is no class of persons in this country, living by their labour, whose happiness, health, and lives, are so unscrupulously sacrificed as those of the young dress makers. It may, without exaggeration, be stated, that in proportion to the numbers employed, there are no occupations, with one or two questionable exceptions, such as needle grinding, in which so much disease is produced as in dress-making, or which present so fearful a catalogue of distressing and frequently fatal maladies."

The protracted hours of factory labour, it has been said, arises from the working of machinery, and to some extent that is true; but here, where only the needle and thread are used, the hours are longer than in the worst-regulated manufactories in the north of England. On my way down to the House this afternoon I met a Gentleman well known to most of those I am now addressing. He communicated to me a fact on this painful subject which has come under his own knowledge within the present week. A girl, only seventeen years of age, with whom a premium of 40*l*. had been paid to a fashionable milliner at the West-end, for three-years' apprenticeship, has from this day four weeks only been allowed about two hours' rest out of the twenty-four. A week ago she worked from two o'clock on the Saturday morning to eight o'clock on the Sunday morning without any time of rest—a period of thirty hours. This Gentleman, who stood in the relation of guardian to the poor girl, has taken her away from her situation in consequence of the dreadful cruelty practised upon her, and which was also inflicted upon her unhappy companions. I will not name the Lady for whom the dress was made, in the making of which these poor creatures had worked for thirty hours; it would be matter of astonishment to the House and to her, and it would give pain to one to whom I would not willingly be the cause of suffering. But it is important that you should know that these things are so; and however much you may be disposed to interfere with labour in the Factories, yet be assured there are circumstances most grievous and calamitous which are pressing upon the labouring population of this Kingdom, and which this House will do wisely to inquire into. There is something even worse than working twenty-two hours out of the twenty-four, or none would submit to it—there is such a thing as starving to death, and all the horrors that arise from absolute want; and let not the House suppose that if they pass the Clause now before them, they will do more than plaister over the sores which their own most unjust legislation has created, instead of endeavouring to renovate the constitution and going to the root of the disease, which is as well known to the Queen's Ministers, and to many hon. Members on that side of the House as to the Gentlemen by whom I am surrounded. I come now to another part of the question, to another of the fearful catalogue of charges brought against our manufacturing system. The noble Lord has drawn a terrible picture of the loss of limbs and of life in the factories. I ask honourable Members opposite to listen attentively to the statements I am about to make, for I am persuaded that on this subject the most extraordinary mis-statements and the grossest exaggerations have been received for truth. The noble Lord has mentioned Mr. Greg, and a higher authority on these questions cannot be appealed to. I have received a letter from that Gentleman, from which I will read an extract:—

"It is difficult to understand how the belief of serious accidents, much less fatal ones, being so common in mills, as to justify special legislation, can have arisen. I believe it to be not only unfounded in fact, but contrary to every body's experience. In our own mill, at Quarry Bank, which has been now in action seventy years, and employs 400 hands, we have never had but one single limb lost (and that by play), and not one single life lost inside the mill, whilst no less than four fatal accidents have happened, in my own recollection, within twenty yards of the mill in play hours. I have no hesitation in saying that a single carter is exposed to more danger than 500 persons in a mill. I hold a farm in Hertfordshire, and had not been in possession two years before one of my carters was killed. Indeed, I may truly say, that upon my two farms, together 600 acres, I have had as many fatal accidents in three years, as in all our mills, with 2,000 people employed, in all my experience."

The noble Lord has stated that he could bring from infirmaries and dispensaries accounts to justify his statements. These accounts are most uncertain, for they do not state how the accident occurred, but only what was the occupation of the person to whom the accident had happened. Mr. Greg, for instance, told me that two men who worked for him had quarrelled at a public-house, and each man had a leg broken, and these men were entered at the infirmary as factory hands. Mr. W. R. Greg, the brother of the last gentleman, after sending me some documents, says.—

"In confirmation of the result to which these papers point, I may mention that in my factory at Bury, we have had only two fatal accidents during the seventeen years it has been running, one of these was our carter, who was run over by his own cart on the high road. The other was a dresser, a man of fifty or sixty years of age, who was found drowned in one of the reservoirs adjoining the mill. It is capable of proof—in fact, proofs have been laid on the table of the House, that factory labour is less injurious, and less liable to accident, than almost any other known. Forty people were swamped in one coal mine the other day: and last year more persons were killed in one moment in the Government powder works at Waltham, than in all the factories of Bolton and Stockport in two years."

Another letter, from Mr. J. R. Barnes, of Bolton, states—

"Our establishment was commenced fourteen years ago, and we have had no fatal accident, and but one serious one, from a young man's hand being so injured by a main shaft, that amputation was necessary."

I have also a statement from Mr. Samuel Ashton, a large manufacturer, and brother of the gentleman to whom the right hon. Bart. (Sir J. Graham) has referred. He says, that from 1819 to 1830, he employed 400 hands; from 1830 to 1835, 900 hands; from 1835 to 1844, 1200 hands; and that amongst all these no fatal accident has occurred during the whole of this period. Mr. Thomas Ashton says, that from 1817 to 1824, he employed 400 hands; from 1824 to 1830, 800 hands;

from 1830 to 1835, 1200 hands; and from 1835 to 1844, 1400 hands, and that in all this period only two fatal accidents had occurred, one of which was in the case of an overlooker, and neither of which could any possible precaution on the part of the proprietor have prevented. Messrs. J. Howard and Co. state that from 1820 to 1844, they have employed 560 hands, and only one fatal accident has occurred, and that in the year 1820, none since then. Mr. A. W. Thorneley has for many years employed from 600 to 1000 persons, and has had no fatal accident in his mill, but has had one carter killed. In the concern with which I am myself connected and which has been at work for thirty-five years, and now employs upwards of 500 persons, only one accident has occurred which terminated fatally, and that cannot fairly be charged upon machinery, and during the whole of that period no other serious accident has taken place. The reports of the coroners in the districts of Manchester and Stockport, fully bear out these statements of private individuals. From these reports, it appears, that from February, 1842, to February, 1843, in the Manchester district, not one person has been killed by anything connected with shafting in a mill, and only two by machinery in factories; and in Stockport, during the same period—in fact, during the last two years—no person has been killed by machinery, and only one by shafting, although this district includes twenty-eight townships, and is a principal seat of the cotton trade. When the House considers how many mills there are in these districts, and the tens of thousands of persons employed in them, I think no Member can leave the House this night with an impression that there are more lives lost in cotton manufactories than in other employments; on the contrary, he must, I feel assured, be convinced that there are fewer, and that the statements of the noble Lord and his party are gross and unfounded exaggerations. Amongst carters there are far more fatal accidents than from all the factories of the United Kingdom. I could bring facts which no man could dispute, from all the manufacturing districts, to support these statements, and it appears to me to be merely trifling with legislation to establish a public prosecutor, as is intended by this Bill, for accidents occurring in mills, when it may be proved beyond dispute, that, considering the numbers employed, there is a smaller loss of life in them than in any other mode of employment open to the great mass of our population. Now I will not detain the House with more than a single remark about the cruelties which it has been alleged are practised by millowners on their workpeople, for the absurdity of such a charge must be manifest to all who take the trouble to reflect. In the Factory Report, the Commissioners state, that,—

> "To the charge of cruelty brought against the mill-owners, they can give the most decided and unqualified denial. It is not only not true, but cannot generally be true. That individual instances of ill-usage do occur, is doubtless true; and they will occur so long as man is actuated by human passions; but they are exceedingly rare, more rare, indeed, than in any other occupation in which children are employed."

It is notorious, that the persons employed in mills, and in cotton mills especially, obtain a higher rate of wages than most others of the operative classes, and if they are thus better paid they must necessarily be more independent, and more able to resist aggression; and as they work generally along with their parents or relations, they have an additional security against ill-usage of every description. The charge of immorality produced by factory labour is as groundless as that of cruelty inflicted, for, in page 201 of the Report, it is stated :—

> "As to the immorality said to be engendered by the factory system, the whole current of testimony goes to shew that the charges made against cotton factories on this head are calumnies."

On a former occasion the noble Lord brought a charge against the character of the working population of the town of Leeds. Were his statement a fair one, the condition of that town must be horrible in the extreme. Happily the charge was a most unfair one; and in a letter dated June 13, 1843, and referring to that charge, the then Mayor of Leeds says,—

> "In the appalling statement made by Lord Ashley of the degraded moral condition of Leeds, he quoted a passage from the Statistical Report of the Town Council, to shew how many juvenile offenders were brought before the Magistrates for the borough, and by implication how immoral must be the general character of society in Leeds and similar large towns. This passage is an extract from a

Note which I myself appended to one of the tables on 'Crime.' I am well acquaited with the moral condition of the people, and you have my authority for stating that the inferences attempted to be drawn from that paragraph are entirely unwarrantable. That in a considerable community like Leeds there should be a large number of young delinquents, must be at once admitted. Most of them are the children of idle and profligate parents, who are attracted to a large town by the various resources which it offers to enable them to escape regular labour. They do not belong to the working population of the district. They pursue chiefly a life of vagrancy, or adopt such eccentric modes of obtaining a livelihood as serve only as a covering for various acts of mendicancy or petty theft. Their children form no proportion of the juvenile population of the borough, nor of the aggregate amount of children employed in factories. To refer to these unfortunates as a type of the whole community of young persons, is as absurd as it would be to select as specimens of the physical vigour of the rising generation of operatives, the feeble and stunted children of a parish workhouse, who for the most part are the offspring of vice, and the heirs of disease.

"Lord Ashley also quotes the evidence of an active police-officer, Mr. Child, in support of his dark picture of the moral condition of our town. No one can be better informed as to the worst features of our social state than that useful functionary: but to select his testimony in illustration of the general inquiry as to our moral condition, is obviously unreasonable and unfair. The particular facts stated by him are no doubt painfully true, but they furnish no information, as to the moral circumstances of the entire community, much less of that particular class of it, the young people employed in factories.

"Why did not these impartial Commissioners inquire from other parties, besides police-officers, as to the tendency of factory labour upon our youthful population? Why did they not advance from the constable to the Magistrate, or to the Magistrates' clerk? If, indeed, the latter had been examined in relation to this important investigation, a very different result would have transpired. You have my authority for stating that the young people employed in factories are seldom brought before our local police tribunals; and the criminal youths so prominently referred to by Lord Ashley, as an important part of our local population, are not those who have been educated in our Sunday-schools or are trained to labour in our factories, but the miserable and neglected children of the most reckless members of society, who have had the most imperfect education, and who have been at an early period initiated in the habits of indolence, profligacy, and vice."

The noble Lord on this occasion has not said much about the education and religion of the manufacturing districts. From his speech one would suppose such matters were altogether unheard of there. It may therefore be worth while to mention a few facts bearing on this. It has been ascertained that more churches and chapels have been erected, in proportion to the population, in the manufacturing districts than in the city of Westminster, or in the whole of this metropolis. The returns shew that places of worship in the manufacturing parts of Yorkshire, Lancashire, Cheshire, and Derbyshire, afford sittings for 45 per cent. of the population, while in the metropolis it is only 30 per cent. In the northern districts the increase of population from 1800 to 1841 has been 127 per cent. while the increase of sittings in places of worship has been not less than 219 per cent. I can also refer to educational efforts and progress in connection with several of the large manufactories. One of these at Darwen employs 1382 persons,—619 males and 763 females,—of whom 912 can read well, 435 can read a little, and only thirty-five cannot read. In another manufactory at Rawtenstall there are eighty-one boys and seventy-five girls in a school supported by the proprietors of the works. In the schools on the premises of my friends, H. and E. Ashworth near Bolton, there are 316 children attending the day-schools, and 615 in the Sunday-schools. It would be well for the landholders to look a little at these and many similar cases, and to take example from them, rather than engage in the work of throwing obloquy on the manufacturers of the north. On this point I will read to the House an extract from a letter from a Gentleman of the first respectability, and which I have received to-day. It refers to a meeting recently held in the town of Ashton-under-Lyne on the subject of education:—

"The meeting to which you refer was composed solely of the friends and members of Dissenting congregations in the town of Ashton, who were desirous to aid in the effort now being generally made to promote the great cause of education among the labouring classes. On that occasion 2,007*l.* was subscribed by the parties present, 200*l.* of which was from the operative classes,—viz. spinners, weavers, and other hands employed in mills. Subscriptions are still proceeding amongst those members who were unavoidably absent, and the whole amount will reach 3,000*l.*, of which sum the operative classes will contribute 250*l.*"

Now, can the noble Lord, or any one else, produce a similar case from the agricultural districts? I venture to say that no such case can there be found. For the character of the manufacturing population I may also refer hon. Members to the Report of the Commission sent down to Stockport in the month of January, 1842. I will read the concluding paragraph of that Report, and anything more conclusive as to the merits of the working classes of that town, I cannot hope to discover.

"In the course of these enquiries, the general character and condition of the operatives employed in the cotton trade have been peculiarly the objects of our observation. We have seen that, in an ordinary state of the trade, those of the operatives who are employed, (as the mass of them are), in connexion with steam-power machinery, appear to command, by the value of their labour, the means of enjoyment of the comforts of life to an extent and degree unknown to a large portion of the population of this country; and there is little doubt, that persons so circumstanced must consume, in a degree which far exceeds the proportion of their numbers, the natural produce of this and of foreign countries, thereby contributing largely to the prosperity of other classes of their countrymen, as well as to those sources of revenue by which the national liabilities are in a great part sustained.

"We find, in connexion with the large earnings of this class, industrious habits of no common stamp, regulated and secured, in great measure, by the peculiar nature of their employment; and a degree of intelligence already much in advance of other classes of the working people, and still growing with the general growth of popular education. It appears, also, that when in the enjoyment of prosperity they avail themselves, to a great extent, of the advantages of Provident Institutions, and that, partly through this, and partly through other circumstances, equally creditable to their character as a working people, they avoid almost altogether dependence upon Poor rates. On the recurrence of general distress, we find them neither a pauperised mass, nor readily admitting pauperism among them; but struggling against adversity, beating far and wide for employment, and in many cases leaving their country for foreign climates, rather than depend upon other resources for subsistence than those of their own industry and skill. Those among them who have not been able or willing to leave a place, where at present their labour is of little or no value, have been found enduring distress with patience, and abstaining, sometimes to the injury of health, from making any application for relief; while others, who have been driven reluctantly to that extremity, we have seen receiving a degree of relief sufficient only to support life, often with thankfulness and gratitude, and generally without a murmur or complaint. We feel assured that the sufferings of a population, whose general character and condition are such as we have endeavoured to describe them, will meet with sympathy and consideration from all classes of their fellow subjects; and that the interests of that branch of trade which has furnished such a population with employment, will be held entitled to peculiar attention from the Legislature of the country."

And in drawing the attention of the House to this remarkable extract, I affirm, fearlessly, that if the Commissioners say no more than the truth, the statement of the noble Lord can only be considered as a most unfair and exaggerated picture of the factory districts and the factory population. I have also in my possession a note from Mr. W. Chambers, of Edinburgh, one of that distinguished firm from whom so much that tends to inform and to elevate the artizans of this country has proceeded, in which he states, that of 85,000 copies of their "Chambers' Journal" sold weekly, not less than four-fifths are disposed of in the manufacturing districts. Lanarkshire and Lancashire afford the greatest number of readers, the latter county alone taking more than 20,000 copies, while to Dorsetshire probably not fifty copies are sent. But in making these statements to the House, I am not about to deny the sufferings and the wrongs of the manufacturing population. Before I had the honour of a seat in this House, I was one of a deputation that more than once had an interview with the right hon. Baronet on the subject of those sufferings and those wrongs. What I contend for is this, that as respects the remuneration for labour, and the state of society, and the general comfort of the population, the cotton districts may stand a comparison with any other in the kingdom. I could give ample proof of this, but I will confine myself to only a few facts. It has been stated that a large proportion of the females employed in mills are married, but the returns to which I will ask your attention will shew that this is not the case. If all the noble Lord said on this point were true, if the cases he stated, but for which he gave no authoriry, were the rule, instead of being, as I am sure they are, the exception, such a state of things would go far to justify interference of an extraordinary description on the part of the Legislature. The first case to which I ask the attention of the House is that of the concern in which I am a partner, and I have no reason to suppose that it presents a more favourable view than that of my neighbours. We employ 518 persons, and their ages and amount of wages are as follows:—

			s.	*d.*
Males.				
13 to 16	69	employed.—Average Weekly earnings .	6	6
17 to 21	69	„ „	8	10
21 & upwards	131	„ „	16	0
Females.				
13 to 16	84	employed.—Average Weekly earnings .	6	3
17 to 21	106	„ „	8	3
21 & upwards	59	„ „	11	11
Total.	518	persons.—Average Weekly earnings .	10	1

Thus it will be seen, that whilst between the ages of 13 and 21 years, the females are 190, and the males only 138, yet that of those above 21 years of age, 131 are men, and only 59 are women: thus proving beyond dispute, that after that period, which may be termed a marriageable age, the women are to a very large extent withdrawn from factory employment, and remain at home engaged in their domestic duties. I have another case which gives nearly the same result. From an establishment near Bolton, belonging to H. and E. Ashworth, I have the following statement. They employ 675 persons above the age of 13 years, and 98 children under 13 years, working short time; in all, 773.

			s.	*d.*
Males.				
13 to 16	126	employed.—Average weekly earnings .	4	8½
17 to 21	97	„ „	9	5⅜
21 & upwards	136	„ „	21	2¼
Females.				
13 to 16	113	employed.—Average weekly earnings .	4	8
17 to 21	135	„ „	6	7
21 & upwards	68	„ „	8	9½
In all	675	persons.—Average weekly earnings .	9	5⅞

Of the 98 short time hands, 49 are boys, and 49 are girls; their average earnings for the half week's work being 1*s.* 6*d.*

Here again we have between the ages of thirteen and twenty-one years, 223 males and 248 females, whilst above twenty-one years, there are 136 men and sixty-eight women, shewing that at twenty-one years, or thereabout, the women are withdrawn from factory employment, and betake themselves to household and family duties. But the rate of remuneration is a subject well worth enquiring into; and how do we stand in this respect? I allude to the concern of which I am a partner from no wish to boast, many establishments in the trade being superior to ours in almost every particular, but because I am well acquainted with the facts I now produce. We have near our pemises fifty-one cottages, whose fifty-one families are all employed by us. In these fifty-one cottages there are 314 persons, and of these 166 are employed, being about 6⅙ individuals, and 3¼ workers in each cottage. The average weekly earnings of each of these 166 workers are 11*s.*, and the average weekly earnings of each family are 35*s.* 9*d.*, and the average annual income of each of these families is 92*l.* 19*s.* The account furnished me from other mills is equally favourable, and I am quite sure equally true. H. and E. Ashworth's statement shews a list of sixty-nine families; the average number of individuals in each is 5 4/7; the average number of workers in each is 2 5/7; being in all 228 individuals, and 115 workers. The average weekly earnings of each worker are 11*s.* 4½*d.*; the average weekly income of each family is 33*s.* 4*d.*, and the average annual income of each family is 87*l.* 7*s.* 3¼*d.* From Messrs. Whitehead and Brothers, of Rawtenstall, I have the following returns:—These Gentlemen employ 342 persons, and I may remark that in this case there is the same withdrawal of women from factory employment above the age of twenty-one years. In thirty-two cottages there are in each, on the average, six individuals, and 3⅓ workers. The average weekly income of each of these families is 33*s.* 0¼*d.*, and only one of these heads of families has received parochial relief, and that one a widow, whose means of living were for a time taken away by the destruction of a mill by fire. Of the 342 persons they employ, the average weekly earnings are 9*s.* 6½*d.* I know that to read over these details is tedious to the House, but they are facts most important for this House to be acquainted with, and I cannot with a due regard to my duty as a Member of it, and towards that vast branch of our national industry with which I feel it an honour to be connected withhold them. From Messrs. Eccles, Shorrock, and Co. of Darwen, I have the following statement:—They have 54 families, including 396 individuals, and 230 workers; the average number in each family is 7⅓, of workers 4⅔. The average weekly earnings of these 230 workers are 10*s.* 7*d.*; the average weekly income of each family is 45*s.* 1*d.*; the average annual income of each family is 117*l.* 7*s.* 9*d.* From J. R. Barnes and Sons, of Farnworth Mills, near Bolton, I have the following statement:—They have 81 families, including 442 individuals, and 197 workers. The average weekly earnings of each worker are 12*s.* 9*d.*; the average weekly income of each family is 31*s.*; the average annual income of each family is 80*l.* 12*s.* Now, very few of all these families have ever received parish relief; from enquiry made in the case I have given from Rawtenstall, out of 32 families, only one has received such relief, and out of the 51 families I have mentioned connected with our own concern, I believe only three have received such relief; and these are cases in which distress of no ordinary kind has driven honest independence to this resource, and when my brother made the inquiry necessary to enable me to state these facts, he was careful so to make the inquiry as to avoid wounding the feelings of those, by whom a character for honest independence is held in the utmost eseeem. What a contrast does this present when compared with the state of things in Dorsetshire, and some of the neighbouring counties, where one in seven or eight of the whole population, including nobility, gentry, clergy, bankers, professional men, farmers, merchants, and traders, and labourers of every class, is almost invariably receiving parochial assistance. I will now call the attention of the House, and especially of the Members for the county of Suffolk, to a fact which I trust will silence the cry of injury done to farm labourers by a removal to the manufacturing districts. My friends, H. and E. Ashworth have been slandered over and over again, because they engaged some of these labourers, for whom in their native counties the only choice was the Union house or starvation. Let us see how the case really stands. One of these labourers, Samuel Rudlen, came from Suffolk in the year 1836. His family then consisted of 10 persons; his earnings as farm-labourer were 8*s.* per week; his eldest boy, about 14 years of age, 2*s.* per week; next younger (cow boy), 12 years, 1*s.* per week; parish allowance one peck of flour worth 1*s.* 4*d.*; 10 persons to 12*s.* 4*d.*, or 1*s.* 2*d.* ⅘ per head per week. Now his family consists of 11 persons, and they earn altogether 55*s.* per week, or 5*s.* per head per week. Several families came from the south about the same period and under similar circumstances but the chief part of them having so far improved their circumstances as to enable them to remove to other mills or localities have done so whenever they saw a chance of receiving a higher rate of wages. Similar cases might be afforded with regard to labourers from Buckinghamshire and other counties. I think I have now said enough with regard to this part of the subject—apparently too much for hon. Gentlemen opposite, who appear only anxious to hear and applaud one side, and many of whom have not even heard that. But notwithstanding all these facts I admit there are evils, serious evils, and much distress in the manufacturing districts; many are still out of employment, and in many branches of trade wages are low. We have violent fluctuations in trade, and periods when multitudes endure great suffering and it becomes this House to inquire why do these fluctuations occur, and what is the great cause of their suffering. I attribute much of this to the mistaken and unjust policy pursued by this House, with respect to the trade and industry of the country. Hitherto manufacturers have had no fair chance: you have interfered with their natural progress, you have crippled them by your restrictions, you have at times almost destroyed them by monopolies, you have made them the sources of your public revenue, and the upholders of your rents, but at your hands they have never to this moment received justice and fair dealing. I do not charge the noble Lord with dishonesty, but I am confident if he had looked at this question with as anxious a desire to discover truth, as he has to find materials for his case, he would have found many subjects of congratulation to counterbalance every one which he would have had reason to deplore. The noble Lord and hon. Gentlemen opposite, when they view from their distant eminence the state of the manufacturing districts, look through the right end of the telescope; what they see is thus brought near to them, and is greatly magnified; but when they are asked to look at the rural districts, they reverse the telescope and then everything is thrown to the greatest possible distance and is diminished as much as possible. That great hardships were once practised in the manufactories of this country cannot be denied, but a most gratifying change and improvement has taken place since the time when the respected father of the right hon. Baronet (Sir R. Peel) was so largely connected with them. But this change has not arisen from legislation in this House; it has sprung from that general improvement which is observable throughout all classes of the community. The treatment of children in schools is now rational and humane,—formerly it was irrational and cruel; the treatment of lunatics in our asylums was once a disgrace to humanity,—now, how great is the change; the prisoners in our gaols feel the influence of this growing sentiment in favour of gentler treatment; and the spread of civilization and consideration for each other among the people has done infinitely more for the weak and helpless than all the laws which this House has ever passed. I do not charge the noble Lord with being actuated by feelings of malice in his conduct towards the manufacturers of this country, but I do believe him to have been, and to be now, grossly imposed upon by the persons upon whose information he relies. I can tell the noble Lord that he will never obtain credit for the statements he makes, unless he can obtain them from more honest characters than those he has hitherto employed. I know that one of these individuals has published many statements respecting the manufactories of the north, some of which are wholly false, and most of which, I believe, are grossly and malignantly exaggerated. I have in my hand two of these publications one is "*The Adventures of William Dodd the Factory Cripple*" and the other is entitled "*The Factory System,*" and consists of letters addressed to the noble Lord,—both books have gone forth to the public under the sanction of the noble Lord. I do not wish to go into the particulars of the character of this man, for it is not necessary to my case, but I can demonstrate, that his books and statements are wholly unworthy of credit. Dodd states that from the hardships he endured in a factory, he was "done up" at the age of thirty-two, whereas I can prove that he was treated with uniform kindness, which he repaid by gross immorality of conduct, and for which he was at length discharged from his employment. I have in my possession letters written by this individual, in which he states that the noble Lord and his party had used him as long as they could get any thing out of him. He said also, that the noble Lord had given him dinners at his own house, and that when he applied for a small balance due to him, the noble Lord had written him an angry letter, recounting the dinners he had eaten at his table. He had also stated that the noble Lord had shown him to his visitors as a cripple, as a specimen of what the factories were doing for the population employed in them. I do not wish to dwell upon this point, but I am free to tell the noble Lord, that unless he employs agents more respectable his statements and his professions of benevolence will ever be viewed with suspicion by the manufacturers of the north and I may add, that others who are thus employed, are in no degree more respectable or more creditable than Dodd. I beg the House to remember that Lancashire, the seat of the cotton manufacture contains a larger population than any other county in the United Kingdom. It has a population of 1,600,000, of whom not less than 900,000, or 56 per cent. on the whole, are in employment and in the receipt of wages, and without doubt a larger number are there employed than on any other equal surface in any part of the globe. The labourers employed in the cotton trade are more steadily employed and better paid than in any other trade in this country. I admit this people have suffered severely, but they have struggled manfully with the adversity which has overtaken them, whilst we have been foolish enough to permit the existence of monopolies and injustice, enough to have destroyed for ever the energies and the prosperity of an ordinary people. In addition to these monopolies, we have taxes most oppressive and unequal. The tax on raw cotton alone amounts to 50*l.* to 100*l.* per week on many manufacturing establishments; that with which I am connected being thus burthened to the amount of 75*l.* per week; and as four-fifths of all these manufactures are exported, and compete with foreign manufacturers who pay no such tax, the whole amount of it must come out of the profits and the wages of those engaged in the cotton trade. The noble Lord, the Member for Liverpool, says, he is most anxious to improve the condition of the working classes; he points to more education, a higher state of morals, better food and better clothing, as the result of the adoption of the proposition now before the House. But there is one thing that noble Lord has failed to prove; he has failed to show how working only ten hours will give the people more sugar. The noble Lord is the representative of the sugar monopolists of Liverpool, and, after voting to deprive the people of sugar, he is perfectly consistent in denying them the liberty even to work. The people ask for freedom for their industry, for the removal of the shackles on their trade; you deny it to them, and then forbid them to labour, as if working less would give them more food, whilst your monopoly laws make food scarce and dear. Give them liberty to work, give them the market of the world for their produce, give them the power to live comfortably, and increasing means and increasing intelligence will speedily render them independent enough and wise enough to bring the duration of labour to that point at which life shall be passed with less of irksome toil of every kind, and more of recreation and enjoyment. It is because I am convinced this project is now impracticable, and that under our present oppressive Legislation, it would make all past injustice only more intolerable, that I shall vote against the proposition which the noble Lord, the Member for Dorset, has submitted to the House.

Lord *Ashley:* I think the House will feel that in some measure I have a right to make one or two observations on the remarkable speech of the hon. Gentleman: I will thank the hon. Gentleman to explain that charge against me which he has insinuated, and which he said he would not pursue. I will not allow it to pass. I therefore throw myself on the indulgence and on the protection of this House; and I do request all hon. Gentlemen present to exert their influence, as members of this House and as gentlemen, to make the hon. Member for Durham pursue his charge, and state his case.

Mr. *Bright:* What is the charge the noble Lord alludes to? I told the noble Lord, that the instruments he carried on his operations with were not worthy of his cause or of him. I am prepared to maintain that assertion. I make no charge against the noble Lord: I tell him that I think he is much misled by these men. I am prepared to prove that those agents of the noble Lord are of a character, that I would not take their evidence with respect to agricultural matters; and I think it is not fair that it should be taken with respect to manufacturing matters. If the noble Lord wishes to have information respecting manufacturing affairs, nineteen out of twenty, nay, all the respectable manufacturers in Lancashire would be willing to give it him.

Lord *Ashley:* What, no charge? No "unpaid balance," I suppose! No "cripple paraded for exhibition!" Well, if the hon. Member says he has made no charge, and, if before the assembled Commons of England he is prepared to assert that he made no charge against me, I can assure him with satisfaction, that the matter may there rest. But those who heard the hon. Gentleman's statement, can best judge whether a charge were made; and those who hear me can best judge whether the hon. Member had the courage to maintain it. But let me appeal to the House: I ask, did I in the course of a long speech which the House was kind enough to listen to, say anything to provoke personal feeling? Did I utter one single sentence calculated to exasperate a single individual, or throw into the discussion of this great matter sentiments or expressions unbecoming so sacred a subject? If the hon. Gentleman thinks that his course of proceeding is the way in which he can maintain his own case, I must say that I am extremely sorry for it, because I think it is not suited to the dignity of the subject, not suited to the assembly in which we sit, and not suited by any means to that most respectable society of which the hon. Gentleman is a member.

Mr. *Bright;* The noble Lord is entirely mistaken. I say the noble Lord Lord is entirely mistaken if he supposes that I judge of his character by the character of the men in whom I tell him to put no trust. I tell the noble Lord plainly, that I have letters in my hand, which will prove all that I have stated. I will hand them to the noble Lord with pleasure. I will go further, and tell the noble Lord, that the individual who wrote the letters I hold in my hand, offered, for a sum of money, to sell a friend of mine a large number of other letters, which that friend of mine was, as I think, too fastidious to lay hold of. I tell the noble Lord not to trust these men. I have always thought that the noble Lord was honest in his convictions. I have always said so, both in public and in private; but I repeat that the instruments that he has worked with are not worthy of him or his cause. That is all I have to say. [*Cries of* "Read."] Here is the first extract. It is from a letter bearing date

"November 8, 1842."

"As I had strained at a gnat, it was clear to them that I should not do to swallow a camel. In other words, had I allowed their ill-feeling to vent itself, and come before the public under my name, I should have wrote a very different book from that which I produced, and even that I am almost ashamed of."

[An hon. *Member:* "What has that to do with it?"]

"This is the manner in which I was taken hold of to serve party purposes, the work I was employed on, the hopes and expectations held out to me, the insignificant wages I received, and, now that they have got all out of me that they can, the manner in which I am cast off for ever."

In the same letter there was this passage:—

"In order that you may know what sort of a man he is (a person of the name of Jowett, and connected with Lord Ashley), I will tell you what were the orders I received from him previous to visiting your place last year. He told me—'You must go to Turton and get all the information you can concerning the works of Messrs. Ashworth—they are show mills. The Ashworths are deep, cunning people, and you must take particular care not to come into contact with them or their people.' Thus you see I was to stroll about the vicinity of your mills, and get into the company of your people, and by treating them with beer or by other means, was to get the information I required, and if from one whom you had cast off, so much the better."

In another letter there occurred this passage:—

"In my necessity I wrote to Lord Ashley, stating my circumstances, and asking for a remittance of a small balance due for services rendered."

Here (said the hon. Member) I beg it to be understood that I don't believe a word of this. Why, would I convict the noble Lord upon evidence which I do not credit, and which I would call upon him not to believe if it was used against myself?

"Due for services rendered—and in reply I received a very angry letter, saying,"—these words (said the hon. Member) are in inverted commas—'saying that I had no claim on them—that my employment was a mere matter of charity—that I had received so much money,' and he even recounted the dinners I had received at his Lordship's table, and told me of the condition I was in at the time he took notice of me, and other matters equally galling. It is clear that party only used me as a tool, and having made all the use of me they can, send me about my business. If I was clear of the party I could a tale unfold, but, circumstanced as I am, this would be my ruin."

"Now, mind," said the hon. Member, "I bring no charge against the noble Lord of intentionally doing wrong. I say so sincerely. My friends know that in private I have always spoken of the noble Lord with respect, and I can assure him that it was with sorrow I learned that he was employing agents who were not trustworthy. There are other letters from a man named Jowett, which he offered to sell for 35*l.* to a particular friend of mine, but my friend refused to buy them; and I can tell the noble Lord circumstances with respect to other persons, which would lead him, I am sure, to form the same conclusion, that they are not trustworthy. And now I only hope that it is clearly understood that I have not said one word that is derogatory to the character of the noble Lord. I repeat, I have much respect for the noble Lord, but I am as much interested in this question as he can be, and I thought it better for the cause, and fairer to the noble Lord himself, that I should state these things to the world from this place, than that I should write a letter to the newspapers, or publish the statements in a pamphlet. I regret it if in stating these things I have said a word that could be considered derogatory to the character of the noble Lord. I know I am of a warm temperament, but I mean no personal insult; I desire merely to state facts."

Lord *Ashley*: It is high time, I think, that this sort of interlocutory matter should cease. I assure the hon. Gentleman on my part that I willingly accept his explanation. I am ready to believe that he meant nothing that was personally offensive. It is perfectly true that I was acquainted with Dodd, and it is perfectly true also that he called on me in London. I received a letter from him in which he stated, that he had been injured whilst working in a factory. He afterwards called on me, and certainly I never saw a more wretched object. He had lost his hand, and I may say had almost lost his shape. He hardly looked indeed like a human being. I certainly assisted him, and as far as refreshments went he had them, not with me, but I told him that if he chose to come when the servants dined he might have some dinner with them. He afterwards went down into the manufacturing districts, and from there he wrote me some letters; but I assure the hon. Gentleman that I never except once quoted a single fact from any one of his communications. Certain facts regarding him have since come to my knowledge, and I am certainly inclined now to think that he was unworthy my kindness.*

Mr. *Warburton* said, that the matter seem to have taken a new shape. He therefore would move that the Chairman report progress, and ask leave to sit again.

Motion agreed to.

House resumed. — Committee to sit again.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, March 18, 1844.

Minutes.] Bills. *Public.*—2ª· 3½ per Cent. Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund.
Private.—1ª· Malan's Naturalization; Cababe's Naturalization.
2ª· Nugent's Naturalization; Edwards' Estate.
3ª· and passed:—Bow Brickhill Estate.

Petitions Presented. By the Bishop of Bangor, from several places, against Union of Sees of St. Asaph and Bangor.—From Cornwall Medical Association, for Medical Reform.—By the Marquess of Exeter, from 55 places, for Protection to Agriculture.—By Earl Fitzwilliam, from Glasgow, respecting Ireland.

Slavery in the United States.] Lord *Denman* wished, he said, to address a few observations to their Lordships on a subject that had been referred to by a noble and learned Friend of his a few nights before; who had stated that there had been in Louisiana the capital conviction of a person for promoting the escape of a slave; but when the subject had been brought before their Lordships, there appeared then

---

[*] The following are extracts from the letters referred to by Mr. Bright. In a letter to Messrs. Ashworth of Bolton, under date September 26, 1842. Dodd writes:—

"You are, Gentlemen, from personal observation, acquainted with my unhappy situation, you are also, I have no doubt, aware that my case has been laid hold of by Lord Ashley and his party in furtherance of their own views and objects; that I have been held up to public view by these philanthropists (?) as an object of charity, and as an instance of the cruelty of the manufacturers, and you will be surprised when I say that after all this fuss, I have been extremely ill-used by them. I have no blame to attach to Lord Ashley, except being misled, and induced to act contrary to his promises, by a man of the name of Benjamin Jowett, the man of all work for the ten hours' Bill party, and he is also the author of a pamphlet called "The Conspiracy," in which work your name and that of Mr. Greg, of Ashton, is prominently set forth. This man Jowett is not the friend of the working classes, and he deserves to be shewn in his true colours. He has injured me to a great extent. I should most willingly undertake to show the factory operatives and the public, that he and his party are not to be relied on; and was I to state the facts I am in possession of, it would, in my opinion, disperse the junta of which he is the organ; but this exposure would destroy my present source of living, and my future prospects, by setting all my friends against me, and without I was protected by some other parties, it would involve me in inevitable ruin."

"October 1, 1842.

"The manner in which I was taken hold of to serve party purposes, the work I have been employed upon, the insignificant wages I have received, the hopes and expectations which have been held out to me, and now (when they have got all out of me they can) the manner in which I have been cast off, even by Lord Ashley himself, without assigning any reason, and refusing to listen to my claims, all this would form a pamphlet as large as that of Jowett's, which I inclose."

"I could then expose this Jowett, who has taken so much pains, as you will see by the inclosed pamphlet, to cast a stigma on your firm and others. In order that you may know what sort of a man this is, I will tell you the orders I received from him, previous to visiting your place last year. 'You must go to Turton and get all the information you can concerning the works of Messrs. Ashworth, they are show mills. The Ashworths are deep, cunning fellows, and you must take particular care not to come in contact with them, or their people.' Thus you see, I was to stroll about in the immediate vicinity of your mills, and get in the company of any stray person I might see, and by treating them with beer or by any other means, get all the information I required—if the person was one that you had cast off, so much the better."

"My name having acquired a notoriety in consequence of the manner in which my case has been held up to the public, I have had an offer to write articles on the Factory System, for a low weekly paper; I have already wrote one as a trial, but it is much against my feelings, only it supplies me with a dinner when, otherwise, I might probably be obliged to go without."

"November 2, 1842.

"You will perhaps be surprised to hear, that in my necessity, I wrote to Lord Ashley, stato be no great reason to fear that the sentence passed would be carried into effect. The probability then was, that the law being once declared, denouncing the heaviest punishment against offences of this description, that declaration would have been thought sufficient—that it was not likely, or credible, that a law like this would have been carried into execution. But, unfortunately, since that time a document had been published in the public papers, with respect to the authenticity of which no doubt could be entertained, and by which it appeared that on the 25th April one of their fellow-creatures would undergo the punishment of death for having promoted the escape of a slave! Now, nobody could be more sensible than himself that it was the duty, the right of all States to lay down rules which were to guide the conduct of all their people; and the duty of all other States to abstain from interfering with them; but from the deep respect which they entertained in this country—and he spoke, he might say, in the name of the whole judicial body—for the manner in which justice was administered in America, the humanity and legal knowledge which guided its proceedings, and inspired the eminent men who presided in the courts, and communicated their decisions, that he was induced to advert to this subject here, entreating of all in authority, in the name of humanity and of justice, to pause a moment, and consider whether such a sentence ought to be

---

ting my circumstances, and requesting the remittance of a small balance due to me for services rendered, and received a very angry letter, saying that I had 'no claim upon them, that my employment was 'a mere matter of charity,' that I had received so much money, and even recounted the dinners I had received at his Lordship's table, and told me the condition I was in at the time he took notice of me, and other matters equally galling. It is very clear that the party has all along considered me only as a tool, and that having made all the use they can of me, I may now go about my business. I am sorry that I am not in a situation in life as would enable me to speak my mind freely; was I in a good business and entirely independent of the party, I could "a tale unfold,' but this, circumstanced as I now am, would be my ruin."

In addition to the letters from which the foregoing extracts are taken, there were thirteen other letters, placed for a time in the hands of Mr. Henry Ashworth, but afterwards returned to Dodd. The following is a verbatim copy of a letter from Dodd which accompanied them, and from it may be inferred something of their contents, which is all that can now be given of them, as Mr. Ashworth returned them without taking copies or making any extracts from them. This letter is headed

"EXPLANATION.

"Sir,—I have numbered the letters, &c., from one to thirteen, for the purpose of enabling you more easily to comprehend their contents, and hope you will have no difficulty in understanding the whole affair; but lest anything should appear doubtful, I have given the following explanation which will assist you a little. These are but a few of the papers, but they will be sufficient to shew you the nature of the business they wanted me for.

"No. 1.—Card of the gentleman to whom I was engaged.

"No. 2.—Letter I received after Mr. Jowett had waited upon Sir F. W. M——, shewing that it had been asked him to postpone his experiment, till I had done my business for Lord A——.

"No. 3.—Letter from ditto respecting the agreement which I was induced to decline in consequence of the promises and assurances of Mr. Jowett and Lord A——.

"No. 4.—Letter shewing the connection of Lord A—— and Mr. Jowett.

"No. 5.—Letter from Mr. Jowett shewing a little of his instructions to me.

"No. 6.—Letter from ditto on Fielden's mills

"No. 7.—Two pages of colouring matter on ditto.

"No. 8.—A letter on money matters.

"No. 9.—A letter from the book-binder shewing how he had been reduced in the price of binding from 4½d. per vol. the price I had promised him, to something less than 4d. by the men who are wishing to uphold (?) the wages of the labourer.

"Nos. 10 and 11.—Two letters from Lord A——, commending my dilligence, &c.

"No. 12.—One letter on business.

"No. 13.—A letter I received after I had taken every step I could think of to draw his Lordship's attention to the ill treatment I had experienced from Mr. Jowett. This will shew how his Lordship's mind had been poisoned, and will shew the manner of dismissing those who will not 'go the whole hog' in their service. Had I allowed Mr. Jowett to put forth his statements under my name, I should not have received this letter, neither would I have been cast off without a hearing in the presence of Mr. Jowett, my accuser, as I have been. In this letter there are many erroneous statements, which I could contradict if I had an opportunity."

carried into effect. He believed that no such event had ever happened before, and he believed that every consideration of self-respect would induce them to forego the intention. The State of Louisiana was remarkable for being one of the first in which the sanguinary code of former times was mitigated. Many years ago, Mr. Livingstone drew up a code much less severe than that which had previously existed, and all the nations of Europe, including our own, had been proud to take a lesson of humanity from it, and had found the benefit of it in a diminution in the amount of aggravated crimes. Neither the general question of Slavery, nor any abstract question was involved; but he would respectfully ask how far a punishment so disproportioned to the offence should be carried into effect, as a matter of expediency. He knew that some persons might apprehend that a public avowal of sentiments of this kind might, when conveyed across the Atlantic, give rise to a degree of jealousy and irritation, increasing the probability of the sentence being carried into execution; but, from the best inquiries he had been able to make on this subject, it was his most decided conviction that he incurred no danger of this sort; that some benefit might be produced, and that it was quite impossible that there could be any injury from those opinions being stated. Indeed, it required but a moment's consideration to be perfectly convinced that, in a civilized state, no motive could be afforded for carrying such a law into effect by the expression of opinion in any part of the world. It was, therefore, with a deep feeling on his part, with the same feeling on the part of some of his learned brethren, though they felt that as a body they were precluded from coming forward, that he thus publicly called attention to the subject. He hoped that those to whom his appeal was made would feel that the devoting a fellow-creature to death, for a crime such as this man had been convicted of, was throwing back the cause of civilization, and risking the protection of the property which the law was intended to defend. He had given no notice to Her Majesty's Government of his intention to bring this matter forward, being fully aware that it was utterly impossible for the State to interfere in any way. He did not ask for any answer. It was only from the probability that this sentence might be mitigated by the expression of public opinion, that in the few hours which he could take from the circuit he had given up a portion of that time to call for a reconsideration of this matter on the ground of the general principles of humanity and expediency; for every man who thought must know, that on the respect which attends the execution of the law, its efficiency must depend.

THREE-AND-A-HALF PER CENTS.] The Earl of *Ripon* proposed the second reading of the Three-and-a-Half per Cents Bill. The object which they had in view was to reduce the interest upon those annuities from Three-and-a-Half per Cent. to Three-and-a-Quarter per Cent. in the first instance, and ultimately to Three per Cent. His Lordship described the mode in which it was proposed to effect this object, as detailed elsewhere by the Chancellor of the Exchequer, and congratulated the House on the fact, that the state of the actual resources of the country enabled them to make this important change, and give the public the benefit of this great saving, without adding to the permanent debt of the country.

Lord *Brougham* expressed his entire approval of the measure as being one of vast public benefit, and said, that the operation testified to all Europe the solidity of the resources of this country and its untouched credit, a reputation which they owed to their having religiously abstained on this side of the Atlantic—that was, the European English had abstained from doing anything that might have a tendency, or the shadow of a tendency, to impeach the right of the creditor to be paid by his debtor. The manner in which this measure had been planned and carried into execution deserved the highest praise. Instead of effecting this reduction of interest by giving a *bonus*, or by any other plan by which the capital of the public debt would be increased, there had been a careful avoiding of making any increase to the capital of the debt. Such a proceeding must give additional confidence to the country and to the friends of this country in the stability of its resources.

Lord *Monteagle* said, the change was a very important one, and if he differed with the mode in which it had been carried into effect, it was as to details only. With the general mode in which the proposal had been carried out he entirely concurred. The measure was one of unexampled magnitude, affecting an immense mass of capital, yet there had not been the slightest alarm caused by it, although there were no less than 81,000 holders of stock whose dividends were under 10*l.* This was to be attributed to the great confidence those holders had in the resources and in the good faith of the country. The arrangement was the more satisfactory, because it was not made by any undue tampering with the credit or currency of the country. It was effected on sound and rational principles. If they had a large surplus revenue with which they could effect the reduction, the operation could not be considered unjust, when there was a great reduction in the interest of money throughout the country at the same time. It was not then a question of choice, but of paramount duty to take that step. Whatever might be the pressure on individuals, it was the bounden duty of Government to propose the reduction for the purpose of assisting the credit of the country. The great reduction of interest on money was not altogether an unmixed benefit. The lowering of the value of money tended to increase speculation in the same ratio, and this had, on former occasions, been attended with great public inconvenience and mischief. There were some evils from which they were somewhat protected at present. Formerly the low rate of interest induced people to invest their capital in all kinds of foreign securities; but he believed the experience of what had happened within the last ten years tended very much to guard against the recurrence of that evil. They found in the end that the British Funds were the best and safest. If they looked to what occurred in the Old and the New World in that period, it would prove the importance of maintaining public credit. If the American States had maintained their credit, they would now feel the advantage of the employment of British capital, their territory would have afforded us the best market for our products, and the advantages would have been reciprocal. In 1824 there was a great abundance of money; that was followed by the subsequent over-speculation and calamity of 1825 and 1826. He believed, that there was still a tendency to such exaggerated speculation, and there would be some danger of it in the trade recently opened with China; he understood this trade had been carried to a great excess and consequently the profits would be found far from remunerating. This was a great reduction, and it proceeded on just and sound principles. It would add to the public revenue no less a sum than 1,200,000*l.* per annum. He, therefore, hoped on this, as well as on other grounds, that they should obtain a remission of the Property and Income Tax at the time originally fixed. He also hoped that the opportunity would not be lost for a revision of the taxation of the country. The country was much obliged to the Government for the changes they had introduced into the Customs' Laws last year, and he trusted they would in justice to themselves explain in that and the other House of Parliament the effect which those alterations had produced, because he believed they would find that in proportion as they applied those principles which ought to regulate Financial and Customs' legislation, they had profited by those measures. He could not sit down without observing, that the diminution in the charge of the Public Debt made by the country since the close of the war had been greater than the most sanguine prophet could by possibility have anticipated. The reductions made, and which might be made within a period which many of their Lordships might expect to live to see, were as follows:—

Annuities for terms expiring between 1841 and 1864	£2,506,529
Annuities for lives	831,665
	£3,338,194
Bank of England dead weight annuity	585,740
	£3,923,934
Saving on interest of funded debt from 1822 to 1850	2,700,000
	£6,623,000

The success of the experiment proved the credit of this country to an infinitely greater extent than if they had kept up an immense amount of taxation for the purpose of keeping up a Sinking Fund. If they had kept up a Sinking Fund of 5,000,000*l.* or 6,000,000*l.* a-year, they could not have operated such an amount of reduction with the same certainty. He objected to the guarantee that was given, as it was often an inconvenience—a Government being thus tied down by the acts of its predecessor, and he must say that upon principle it was to be desired that a somewhat longer notice had been given to the holders of stock. The Bill would not receive the Royal Assent until Thursday, and the time for giving notice was to expire on Saturday. This would operate as no practical grievance, he admitted, in this instance, because it would not be for the interest of the holders to object to the terms; but still he thought that on principle a longer period should have been allowed.

The Earl of *Ripon* was glad to find that the noble Lord's objections were confined to the details of the measure. With regard to the notice it had been limited, and he admitted that it might have been advisable to have given a more extended notice, as they had done on similar occasions; but when they dealt with a subject of this magnitude, it was important that the transaction should be closed at as early a period as possible, and as no essential injury to the parties interested could ensue, he must confess that as a matter of principle he did not feel that the Government were called upon to give longer notice. His noble Friend had alluded to the guarantee. He did not object to the principle, that it was, in general, inconvenient for a Government to tie itself up in this manner for a series of years; but it must be granted that in this case the holders of the stock were entitled to some bonus. They had received no bonus by any increase to their capital, and when it was considered that there were 81,000 holders of this stock, whose income did not exceed 10*l.* a-year, as they had no bonus in their capital, it seemed but fair and reasonable that they should have such a bonus as that which was granted to them by this measure. In respect to what his noble Friend (Lord Monteagle) had said touching the diminution of the Public Debt, that statement was, no doubt, an accurate one, and afforded a strong proof of the high character and credit of this country. In the year 1829 he had himself called the attention of their Lordships' House to that subject. Between the year 1815, when that charge was at its highest, and the year he had just referred to, the diminution of this charge had not been less than 4,000,000*l.*, representing a capital of 120,000,000*l.* Since that period other reductions had taken place; and, making allowance for the 20,000,000*l.* required to carry into effect the measure for the abolition of slavery, the reduction in the charge for the funded and unfunded debt was considerably more than 4,000,000*l.* annually. This showed most clearly and satisfactorily, that while they scrupulously respected good faith, they were enabled from time to time to get rid of some portion of their debt.

Lord *Monteagle* said, there was one part of the scheme which had scarcely been remarked upon, but for which he thought the Government deserved particular credit—he meant the equalization of the dividends. There was, perhaps, no measure apparently so small from which greater benefit might be expected to flow.

The Bill was then read a second time, as was also the Three-and-a-Half per Cent. (1818) Annuities Bill, and (the Standing Orders being suspended) both Bills passed through Committee.

Ordered to be read a third time.

THE CHURCH—(IRELAND).] Earl *Fitzwilliam* said, he had a petition to present to their Lordships, signed by the chairman of what he understood to have been a very numerous meeting of the inhabitants of Glasgow; and the petitioners prayed the consideration of their Lordships of the several points to which they alluded in the course of their petition. They referred, for the grounds upon which they exercised their right of addressing their Lordships, to the state of that country, which they said exhibited a great number of features indicative of a very unwholesome state of the body politic in that country, and one very eminently calculated to excite the utmost alarm; exhibiting an absentee and non-resident Gentry, an uneducated and discontented pauper population, inveterate religious animosities, insecurity of person and property, a contempt for the existing laws and institutions, and a growing hatred of all connexion with Great Britain. Making a little allowance for the exaggerations which were likely to prevail at meetings of large bodies, where the feeling of each individual tended to excite the feeling entertained by others, there was no doubt that the points to which the petitioners referred, were of the greatest possible importance. The petitioners concluded their statement of the grounds upon which they founded their petition with one remarkable proposition, upon which he should take the liberty of addressing a few words to their Lordships. They stated that one of the principal grievances of which Ireland had to complain, was the existence of the Established Church, which was not only exclusive and intolerant in its spirit and character, but was opposed to the consciences of the great body of the people, who viewed it as a tool of political faction, and subversive of general tranquillity; and that such an Establishment (and this was the important part of their prayer)—that such an Establishment did not admit of being amended, but that, in order to obtain the pacification of Ireland, it must be wholly abolished. It sometimes happened that when a noble Lord presented a petition to that House, he agreed in all the sentiments which the petition professed to convey, but his opinion on this section of the present petition was entirely different from that of the petitioners. He was by no means of opinion that the Church of England ought to be abolished in Ireland; on the contrary, he thought that the Established Church ought to be rendered more effective for the only true purposes for which it could be designed, namely, the administration of spiritual and religious comfort to that portion of the people to which they were adapted; but he thought the Government of this country had been guilty of a great crime in not providing for the administration of spiritual and religious comfort to the people of Ireland. The great offence of the Legislature of this country was, that for 150 years they had proscribed the Roman Catholic priesthood, and deprived the great body of the people of any legal right to the administration of religious services. He did not apprehend that there would be any such great difficulty in removing that evil. The difficulty complained of was not the difficulty of the matter itself, but it arose from the prejudices of those who had influence in the government of Ireland. When he spoke of those who had influence in the government, he did not of course mean the half dozen gentlemen who sat on the opposite side, but the great governing power of the general British community; because those who sat upon the opposite bench were only the representatives of that public feeling which they professed to govern, but which all who governed must follow in some degree in order that they might draw it after them. He was told that the Roman Catholics themselves would not consent to anything like an endowment from the State, while such a measure would be distasteful to the English people, and excite the hostility of the Dissenters, and of the whole North of Ireland. But, however distasteful to the people of England such schemes might be—although such schemes might be distasteful to the Protestants of England and Ireland, yet he must remark that those who passed through life were exposed to many disagreeable things from the hour of birth to the hour of death, and that nations were not exempt from the lot to which individuals were subject. We might be obliged to submit to many things which were disagreeable to us: the Scotch Presbyterian might be obliged to submit to things that were disagreeable to himself; the English Dissenter might be obliged to submit to things that were disagreeable; and the Irish Catholic might be subjected to things more distasteful still, if he were not inured to what was disagreeable by the legislation of England; ay, and what the Church of England herself might be reduced to feel sometimes doomed to abate some little of that authority—some little of that dominance—which with all the merits of those who administered her functions, had been a stain upon her character; and the heads of that Church might be brought to feel that there was something even more disagreeable still than the being brought to give up a small portion of that which had hitherto appertained to that sect, of which they were the ministers and the ornaments; for notwithstanding a rebuke which he had once received from a right reverend prelate, who did not often deal in rebuke, and to whom he was sure it must have been disagreeable to administer any medicine of that kind—he must, nevertheless, persevere in maintaining that even the Church of England itself was a sect. That was only one sect: the Roman Catholics of Ireland were another sect; the Presbyterians of Scotland were another; and the Independents of England constituted another. These were all different sects, and it would perhaps be a bitter pill to that sect which had hitherto been dominant to feel that the time was not far distant when some portion of those resources which had hitherto been devoted exclusively to the services of their own religion must be given up—as they ought to be given up, if the object were to act justly to the people of that country—for the maintenance of other religious establishments. He would be bound to say that if the experiment were tried—at least he had a little suspicion that if something in the nature of an Establishment were offered to the Irish Roman Catholic, he would not be disposed to reject it. But let him warn their lordships against any attempt at making the Irish Roman Catholic priesthood a stipendiary priesthood or pensioners upon the Government. That would not do. He had heard—and he supposed there must be some truth in what was stated, although of the details he knew nothing—but it was rumoured that the Government had not been entirely asleep on this question, and that they had some plan floating in their minds—something under consideration with respect to the maintenance of the priesthood in the sister island. He had not heard the details of those plans, but what he protested against was the principle of maintaining the Catholic priesthood as pensioners and stipendiaries upon the will of the Government. If any thing was to be done—and Ireland had great claims for something—the Protestant rector and the Roman Catholic priest must be placed upon precisely the same footing—they must both be made to feel that they had an interest in the soil; one must not be taught to consider himself to be a superior, and assume the airs of a superior, while the other felt himself an inferior, and felt all the shame and degradation of his inferiority. Far be it from him to wish that there should be recommended to Parliament any system which should not recognize the perfect equality of the two great sects into which that country was divided. For his own part he saw no great difficulty in accomplishing it; but if men, instead of being sectarians, would only be Christians—if they would recollect that some 150 years ago, the whole of the ecclesiastical property of Ireland was confiscated and torn from those who had been its original possessors, and appropriated to other purposes, he apprehended there was no man in that House so visionary — however successful the experiment might have been if tried at a former period — but he believed there was no man visionary enough to contend, that after six or eight generations had passed away, there was any tendency in the maintenance of the Established Church, to convert the Irish Papist to Protestantism. If ever that vision had presented itself to the mind of any man—and that it had prevailed at the close of the seventeenth century, he entertained no doubt—if that vision had ever existed, it must long since have vanished. Years had rolled over, generations had passed away, and not the slightest inroad was made upon Catholicism in Ireland. On the contrary, while of course the absolute numbers of Roman Catholics in that country was greater, he believed that in proportion they were more numerous than they had been. A noble Friend of his near him said there could be no doubt that the proportion of Roman Catholics to Protestants was increased. If any inference was to be drawn from that fact—he did not draw the inference—but if any was to be drawn, it would be that the existence of the Protestant Church in Ireland, so far from tending to extend the boundaries of the Protestant Church, was rather calculated to extend those of the other sect. He said he did not draw that inference—he did not desire to draw it—but this he would say, that justice to Ireland—justice to the people of Ireland—justice to the religious people of Ireland, required that the whole ecclesiastical property of Ireland should no longer be taken and applied to the service of one sect only, and that sect the most wealthy, and, consequently, the best able, even if it were not endowed with ecclesiastical property, the best able to provide means for those ministrations of religion to which the ecclesiastical property of a country ought to be adequate. He wished, therefore, to see the ecclesiastical property of Ireland applied to the maintenance of the priesthood—if he might be allowed to use the term priesthood—of both sects. To hear some persons speak of Ireland, one would suppose that there was nothing but Roman Catholics in Ireland; and to hear others you would think there was nothing but Protestants; and perhaps those who argued as if there were none but Protestants had the best justification for their error, because they had only to read the Acts of Parliament which constituted that penal code which was the disgrace of England—they had only to read those acts to find that the Legislature of this country not only wished to annihilate the Catholic religion in Ireland, but had proceeded upon the assumption that there did not exist such a creature as an Irish Papist, and, therefore, they were perhaps more justified in their reasoning than if in talking of Ireland they represented that there was nothing but Catholics there. But some one would say, "Oh, but this won't be done this session." No, he did not suppose it would be done this session, nor perhaps next session, but their Lordships might depend upon it that the people of this country who were most prejudiced against an alteration must make up their minds to something being done. This might be a Roman Catholic question in another form—indeed it was a Catholic question in another form. Twenty years might pass away, but it was as sure to be done as when the Union was carried it was certain that Catholic Emancipation must follow. There were wiseacres who said that that question ought to have been settled—in the other House he had heard wise men say that it ought to have been settled soon after the Union, whether the Roman Catholics were to carry their point, or to remain in their hopeless and degraded state—that this ought to have been settled. Why, there were some sorts of questions which could only be settled in one way. There were some which you might settle in one way or in another way, but there were some questions which you could settle only in one way, and the Catholic question was one of them, and the question upon which he was now addressing a few words to their Lordships was another. They might depend upon it that they could not maintain an exclusive Church in Ireland. The day was gone by for that. Far be it from him to entertain a wish that the Protestant Church in Ireland was gone. So far from that, he wished to see the Protestant Church maintained—he wished to see every Protestant parish maintained—to see the property of every parish maintained, and all parochial property applied parochially. He would have nothing to do with spoliation, or with taking away the property of minor communities, and throwing it all into one hotch-potch, for the Government to dispose of as they thought proper. That was not the way to deal with the sub-communities. That was a system of centralization which would be contrary to equity, to justice, and to sound policy. It was one of the maxims of civil government not to embrace all the property of minor communities in one fund, and he would have nothing to do with such a species of centralization. It was essential to liberty—it was essential to freedom that the minor communities should be maintained; and it was therefore essential that the parochial property of Ireland and of England should be maintained, and not rendered to be doled out by the ministers—he meant the religious ministers—in the way which the administration for the time being might think fit. He was sanguine on this subject, although he did not expect to see his desires accomplished very soon; but he was sanguine in the belief that the object could be very easily effected if men would shake off their prejudices. That, perhaps, was one of the most difficult things for a man to do, but he entertained a hope that the people of England and of Scotland would not furnish an argument in favour of Repeal. He did not wish for a repeal of the Union; then let not their Lordships furnish the strongest arguments in its favour, by showing that they were insensible to the wants of the Irish people, and were too prejudiced to govern them as they ought to be governed. Let them show that they were not prejudiced—let them act upon the principles of justice to all—not surrendering everything to one party, but giving to each what each ought to have. These might be difficult things to accomplish, but they were difficult because we surrendered ourselves to our prejudices, and were not disposed to govern others on the principles upon which we desired to be governed ourselves. Disagreeing, as he had said he did, from one very important part of the prayer of the petition, he had felt it necessary to explain how far he was disposed to go — not in abolishing the Church of England in Ireland, but rather in strengthening its foundation and enabling it to resist those attacks which their Lordship's might depend upon it would otherwise be directed, and which, if they trusted to the experience of other times, they must feel would be not unsuccessfully directed against it.

The Duke of *Wellington*. My Lords, I must say, there can be nothing more inconvenient than the discussion of such large questions as the noble Lord has entered on in the speech which he has just delivered upon the mere presentation of a petition. My Lords, those questions related not merely to the topics contained in that petition, to the state of the Protestant religion in Ireland, or to the compacts that were entered into for the maintenance of that religion in Ireland, but they referred to the very foundation of the Reformation in this country, and the noble Lord has propounded to your Lordships a something, neither the nature of which, nor the period at which it is to be carried into execution, is he himself exactly certain of. Something or other must be done; to that something this country must make up its mind; the noble Lord does not state what it is to be; but it is, at all events, to involve the repeal of those laws upon which the Reformation in this country has been founded. My Lords, I have already taken opportunities of warning your Lordships against the assertion of such doctrines in this House, and I must again express a hope that you will observe and beware how they are introduced into it, because you may rely upon it, that there is not an individual in this country, be his religious opinions what they may, be his position what it may, who is not interested in the maintenance of the Reformation. Not only our whole system of religion, but our whole system of religious toleration, in which so many people in this country are interested, depends upon the laws on which the Reformation was founded; and I therefore entreat your Lordships to give no encouragement to doctrines that might induce a belief that there existed in this House any indifference upon the subject of those laws. With respect to the Church of Ireland, I beg of your Lordships to recollect that the Protestant Church in Ireland, has existed in that country for a period of nearly 300 years; that it was maintained in that country during a century of contests, rebellions, and massacres; that during a contest for the possession of the Crown, the Protestants of that country encountered that contest and kept possession of their Church; that during another century it was maintained through much opposition, and under difficulties of all descriptions; and that at the period of the Union the Parliament, who had the power either to consent to the Union, or to refuse their consent, stipulated that the Protestant Church in Ireland should be maintained, and maintained on the same footing as the Protestant Church of England in this country. My Lords, the Parliament of Ireland had, under the auspices of the King of this country, the power of either making or not making that compact. Your Lordships entered into that compact with the Parliament of Ireland, and I entreat you never to lose sight of the fact. I entreat you not to suffer yourselves to be prevailed on to make any alteration in, or to depart in the slightest degree from, the terms of that compact, so long as you intend to maintain the Union between this country and Ireland. It is the foundation upon which the Union rests—it is a compact which you entered into with the Parliament of Ireland, and from which you cannot depart without being guilty of a breach of faith, worse than those which had been referred to in other countries; worse than those pecuniary breaches of faith which have been alluded to in the course of the discussion which took place in your Lordships' House this evening upon another subject. I entreat you to listen to none of these petitions or speeches which tend to the injury or the destruction of the Church in Ireland. Do what may be necessary—do what it may be proper to do, in order to render that Church more beneficial to the people of that country—but I entreat you to adhere strictly, in spirit and according to the letter, to the compact you have made, and not permit it to be supposed in any quarter whatever that you entertain the most distant intention of departing, in the slightest degree, from that arrangement. The noble Lord says, that the feeling of this country at the present moment is in favour of that arrangement. I sincerely hope that it is so, and that as long as there is a spark of honour in the country the same feeling will continue to be evinced in every part of it. The noble Lord has also stated, and truly, that before the mind of the country can change so far as to induce it to depart from that compact, it must first be made up to undermine the foundation of the Reformation in this country. While waiting for the scheme which, according to the noble Lord, is to be carried out—God knows when—I must again entreat your Lordships not to think of violating the compact into which you have entered for the preservation of the Church in Ireland.

Earl *Fitzwilliam* said, the noble Duke had a little misstated what he had said in representing him to have expressed a desire to subvert the laws on which the Reformation was founded. He had never said any such thing. He had never thought of anything of the kind. What he had said was, that tithe and other ecclesiastical property in every parish might be devoted to the payment of the Catholic as well as the Protestant clergy, and how that had anything to do with subverting the laws of the Reformation he was at a loss to conceive. But the speech of the noble Duke reminded him of speeches he had heard in the other House of Parliament; and he dared to say similar speeches had been made in their Lordships' House some twenty-five or thirty years ago, with respect to the Coronation Oath, and other fine subjects, which were not to be touched; and he would venture, with all submission, and with that high respect which he entertained for the noble Duke, to place his speech of to-night in the same category. He had no doubt the time would come—precisely when, he did not know—when, notwithstanding all the warnings given by the noble Duke, whether the noble Duke himself, or somebody else following his example, or the noble Duke, following the example which he himself had set in 1829, he had no more doubt than that he was then standing on the floor of that House, that, by some one or other, some arrangement would be proposed—it might be better or it might be worse—for the establishment and payment of the Roman Catholic priesthood in Ireland, and giving them an interest in the stability of Christian Churches in that country.

The Bishop of *Exeter* begged to tender to the noble Earl his sincere thanks for having contributed so largely to the stability of the Church of Ireland, to the confidence of the Protestants of that country, to the gratification of the Protestants of England and all Christendom, by having drawn forth the most valuable speech of the noble Duke; and yet, while he rejoiced at that declaration, he must say, the subject had come upon him quite by surprise. The notice given by the noble Earl was merely of the presentation of a Petition from Glasgow, on the condition of Ireland, and he did not imagine, therefore, that any of their Lordships had been prepared for the matters which had been brought forward by the noble Earl. He had no wish to detain their Lordships for any length of time, but he desired to make a few observations on one or two points referred to by the noble Earl. The noble Earl had said, with much emphasis, "I will have nothing to do with spoliation;" and was perfectly amazed that his speech should be characterised as tending to destroy the principles of the Reformation; and the noble Earl had appeared somewhat entertained, either with his own wit or what had fallen from the noble Duke. What explanation had the noble Earl given? Only this, that spoliation would be to take the parochial property and centralize it. The noble Earl said:—"I'll have nothing to do with that—the ecclesiastical property of a parish should be employed for the ecclesiastical purposes of a parish, and should be divided between the Roman Catholic priests and the Protestant clergymen;" the meaning of which was, that the Protestant rector must give up such a portion of the Church-property as would satisfy the noble Earl, in order to endow the Roman Catholic priest. And the noble Earl wished their Lordships to suppose, that such a proceeding would not be spoliation. [*A laugh from Earl Fitzwilliam.*] The noble Earl seemed quite amused at the notion of spoliation; but possibly spoliation might, in the course of events, assume a form much less amusing to the noble Earl. Suppose the Church to be robbed of the property which it held, on the most sacred principle and sanction, how long would other sorts of property continue safe? Suppose, instead of the proposition in hand, the lay lords who had been enriched with vast possessions in that country by confiscations, of which the noble Earl had said something, were to be forced to disgorge that property in order to meet the wants of the poor in the parishes where it was situated; if he (the Bishop of Exeter) were to advocate such a proposition as that, he should be doing that which was opposed to his notion of common honesty; but, if he were to suggest it, he should certainly adopt the language of the noble Earl and say—"I will have no carrying off the property to distant places; oh, no! I will have no centralization: but I will confine the distribution of the money so acquired to the parishes whence it arises, and not let it be lavished by thousands and tens of thousands upon noblemen who spend it in Yorkshire or London." No, he (the Bishop of Exeter) should say, after the manner of the noble Earl:—"We divide the money among the poor of the respective parishes, who would certainly have as much right to it as the Church of Rome had to the property of the Church of Ireland." Was the Church the only body that despoiled, to use the language of the noble Earl? Portions of the lands forfeited to the Crown had been granted to the Church. But were the ecclesiastics of Ireland the only persons that built palaces, and fattened on the produce of the confiscations of former days? The noble Earl himself held property of that description, and so did another noble Earl near him, who so largely employed his property in benefiting the country whence it was so largely derived, and who resided amongst the people of that country. He should not have said so much on the subject, had not the observations been drawn from him by what had fallen from the noble Earl. A noble Marquess near the noble Earl was much in the same position as to the possession of property forfeited in the rebellions of two centuries ago. These three Noblemen alone held a larger amount of such property in Ireland than all the revenues of the Irish Church in any three counties that could be named there. It was not the way to do justice to Ireland to deprive the Church of the property which it held there on the security of the same laws which enabled these noble personages now to enjoy the fruits of the spoliation which had operated in their favour several centuries ago. He could not feel that the noble Earl had acted safely, prudently, or judiciously, in making the remarks he had put forward. Perhaps the noble Earl might consider it patriotism; if so, let the noble Earl give practical proof of his patriotism, by disgorging the confiscated property which he himself had so long held, and his ancestors before him; let him do this tardy justice, for justice he must consider it, if he thought the principles sound which he had enunciated as to the confiscated property held by the Church. The noble Earl had acted as a monitor on the present occasion; nay, he had gone further, and actually turned prophet. Perhaps the noble Earl would also allow him (the Bishop of Exeter) to turn prophet for the nonce, and, so permitted, he would venture this prophecy, that if the noble Earl's plan should take effect in Ireland, there would be a very short interval indeed, between the distribution of the Church property, which the noble Earl suggested, and the spoliation, as he would call it, of lay property. He begged to offer his heartfelt thanks to the noble Duke for the declaration he had made. Providence had enabled the noble Duke to confer great services on his country, and not the least had been conferred on the present occasion.

House adjourned.

HOUSE OF COMMONS,

Monday, March 18, 1844.

MINUTES.] BILLS. *Public.*—1°. Mutiny; Marine Mutiny.
2°. Dean Forest Encroachments; International Copyright.
3°. and passed:—Gaming Transactions (Witnesses Indemnity).
Private.—1°. Wells Harbour and Quay; Wells Lighting; Delabole and Rock Railway; London and South Western Railway (No. 1); Middle Level Drainage; Eastern Counties (Brandon and Peterborough) Railway; Hythe (Hants) Landing Place; General Steam Carriage Company; Swansea Harbour.
2° Northern and Eastern (Newport Deviations) Railway; Thetford Inclosure; Liverpool Fire Prevention; New British Iron Company; British Iron Company; Globe Insurance Company; Mariners' and General Life Assurance Company.
Reported. — Norwich and Brandon Railway; Edinburgh Cattle Market; Edinburgh Poor Assessment; Beccles Navigation.

PETITIONS PRESENTED. From Newcastle-nnder-Lyne, Southampton, and Malton, for Exemption from Window Tax.—From Tregaron, in favour of Local Courts.—By Mr. O. Duncombe, from Aislaby, and 53 places, against Alteration of Corn Laws. — By Sir A. L. Hay, from Elgin, for Alteration of Corn Laws.—From Stambourne, against State Provision to Roman Catholic Clergy.—From Dunblane, Perth, and Glasgow, against Severance between the Church and Seminaries. — By Lord Howick, from Batley, and Soothill, against, and by Mr. Cardwell, from Clitheroe, in favour of, the Factories Bill.—From Neilston, to Extend Factories Act to Bleaching Works.—By Mr. Mackenzie, from Peebles, and Auchterarden, in favour of Schoolmasters (Scotland). — By Mr. Evans, from Halifax, respecting Carriage of Goods by Railways. — From Trefareath, agrinst Union of Sees of St. Asaph and Bangor. — From Manchester, for Reduction of Duty on Tobacco.—By Mr. J. S. Wortley, from Wakefield, for Repeal of Export Duty on Coal, and against Increase of Loudon Dues.—From Musselburgh, in favour of Prisons (Scotland) Bill.—By Mr. T. Duncombe, from Richard Thain, for Repeal of Ratepaying Clause of the Reform Act. — From Montrose, for Inquiry into Merchant Seamen's Fund. — From Tower Hamlets Court of Requests, for Use of a Prison.—From Hawick, for Relief of Stocking Weavers.—By Mr. Williams, from Geddington, for Redress of Grievances.—From Easingwold Union, against Poor Law Amendment Act. — By Sir J. Hanmer, from Hull, against the same.

THE VICTORIA PARK.] Sir *W. Clay*, who was almost inaudible, asked the noble Lord at the head of the Board of Woods and Forests some questions respecting the acquisition of the land for the new Victoria Park, and also as to the progress which had been made in laying it out.

The Earl of *Lincoln* said, that the intended site for the Victoria Park extended to 262 acres, of which 179 acres were in the hands of the Commissioners of Woods and Forests. The remaining eighty-three, which belonged to six proprietors, remained unpurchased, because the Commissioners were of opinion that the price demanded was an extravagant one. The usual steps, however, would be taken to ascertain the value by a jury. They did not think it advisable to commence the formation of the Park till the whole of the land was in their hands. It would be in their possession before autumn, when the necessary steps would be taken.

LAW OF SETTLEMENT—REMOVAL OF IRISH PAUPERS.] Sir *V. Blake* called the attention of the right hon. Gentleman at the head of the Home Department, to some circumstances of hardship detailed in a letter which he had received from Hull, relative to the removal of Irish Paupers, and asked the opinion of Government on the subject.

Sir *J. Graham* understood the document which the hon. Baronet had read, to have reference to that portion of the Poor Law which caused the removal of poor Irish who had not acquired settlements in parishes in England to Ireland, where they had no settlement, and complaining of such a state of things. He had already stated, that he thought there was considerable hardship arising out of this state of the law; and he begged to add, that the subject was one which would be taken into consideration under the proposed New Poor Law Bill.

Sir *Walter James* asked the hon. Baronet whether he had taken pains to authenticate the statement which he had read to the House?

Sir *V. Blake* said, he had received his information from a Gentleman of the greatest respectability, whom he had known for several years, and of whose accuracy he had not the slightest doubt.

Hours of Labour in Factories—Adjourned Debate.] House in Committee on the Factories Bill.

The second Clause, with the Amendment proposed by Lord Ashley, having been read,

Mr. *Warburton* said, he should not, on Friday last, have moved the adjournment of the debate, and prolonged the discussion on this question, but for the intimation that had fallen from the right hon. Baronet the Home Secretary, who had admitted, that if ever a grave question had been discussed before the House, involving as it did the prosperity of the manufacturing and commercial interests of this country, it was the question then under consideration. The right hon. Baronet had also admitted, that to deputations of master manufacturers that had been with him at the Home Office, he had declared that the Government, on this question, intended to stand firm, and to adhere, in its main provisions, to that printed Bill which had been circulated for a long time throughout the manufacturing districts. Those deputations, it appeared, had quitted the Secretary of State with the full belief that the Government did intend to be firm in resisting the ten hours' clause. But for these circumstances he would not have moved the adjournment. He trusted to the assurance which had been given that, in regard to the main provisions of the Bill, the question was to be taken up as a Government question, so far as their adherents were concerned, and not left an open one. Not that he considered the Government Bill unobjectionable; for it violated, to a certain degree, the principles of free competition which he advocated—but of two evils he was prepared to accept the least; and when he found a Bill brought in by the Government containing a provision for twelve hours labour, and an Amendment moved to limit the hours of labour to ten, he chose the original proposal as the least mischievous; and he trusted the whole influence of Government was to be exerted to resist a provision which, in their opinion, would prove ruinous to our manufacturing prosperity. He felt some difficulty in arguing the question, not knowing whether to address himself to the premises of the noble Mover of the Amendment, or to his conclusions. The conclusion to which the noble Lord's premises tended, involved no less than the suspension of the whole of the factory labour now carried on by women and children in this country. The actual conclusion, however, as embodied in the Amendment, fell so very short of the premises, that they must be considered as independent of one another, and argued separately on their own respective merits. The noble Lord, in a considerable part of his speech, inferred an increase in the severity of the labour of the manufacturing classes from an increase in the productiveness of that labour. Now, unquestionably their labour had of late years been rendered more productive, by calling to its aid improved machinery, to a marvellous degree; but was the severity of the labour which had been so aided, to be measured by its increased productiveness? Upon that ground they might argue that the man who used a spade or a plough, toiled more severely than he who scratched up the ground with his fingers. This conclusion was most illogical. The noble Lord had referred to the insolubrity of the air in factories, this was true only of a small number, and was incorrect, if generally applied. A Commission had reported on the state of the dwellings of the operatives, both in London and the provincial towns. Some of the worst cases reported lay within a quarter of a mile of the House. Would this be a proper ground for prohibiting the inmates of those insolubrious dwellings, from labouring more than a certain number of hours? Each sort of handicraft employment had its own peculiar sufferings. Treatises had been written by learned physicians, one especially by an Italian physician, on the diseases peculiar to certain artists and manufacturers. It was not difficult to draw highly-coloured pictures of the miseries to which each description of art is and was peculiarly liable; and thereon to found an argument for discontinuing those employments which could not be carried on without some alloy of evil. To what description of labour would not such a rule apply? The noble Lord had referred to the opinions given in 1833 by certain medical men, examined before Mr. Sadler's Committee; who stated that young children and females, if employed during a certain number of hours in certain descriptions of work, would necessarily be subject to serious physical consequences. That might be all very well as matter of opinion; but if the noble Lord would refer to the Report of the medical actuary, Dr. Mitchell, employed by the Commission of 1834, to draw up, from actual returns, a statement of the effects of factory labour, on the health of women and children, he would find a very different view of the case embodied in the following summary:—

"Taking, all in all, from the doouments brought before me, I have seen no grounds for warranting me in believing that factory-labour, in any material degree, differs in its effects on health from any other labour; and, at all events, the results ascertained from this long and laborious investigation appear to me to afford unanswerable evidence that the laudatory and condemnatory exaggerations of both parties are alike unfounded in truth."

When Dr. Mitchell drew up that Report, he was aware of the opinions of the medical men, given before the Committee of 1833. The noble Lord had endeavoured to show that the duration of life with regard to persons employed in factory labour was much less than it is with regard to persons engaged in other descriptions of labour; and in proof of this, he had adduced the early period of superannuation in factories. Now, this conclusion was attained by taking the ages of those persons who at the time were actually working in factories. This was a fallacy which Dr. Mitchell and the Commissioners had exposed. They said, that it was on account of the cheapness of the labour of young persons, as compared with that of adults, and also because young persons, from their greater activity of body and greater delicacy of touch in handling delicate fibres, were more suited to the labour required of them, that they were preferred to adults in factories. Of the females, a large proportion, when they arrived at marriageable state, ceased to work in the factory; and with regard to male adults, the noble Lord had himself complained of their staying at home to take charge of domestic affairs, while their wives and children were employed at the factory. This would partly help to explain the low standard of age of the persons actually employed in this department of industry. But there was another point to be considered in reference to this part of the subject. A wonderful increase in our cotton manufacture had taken place since the year 1814, that is to say, during the last thirty years. That this was the case they might gather from the vast quantity of cotton-wool brought into home consumption at the present time, as compared with the quantity in 1814. The accounts given of these quantities did not quite agree, but taking a mean estimate, he found that in 1814 the quantity of cotton-wool brought into home consumption was 60,000,000lbs.; whereas the quantity now consumed annually was about 500,000,000lbs. In the cotton manufactures, therefore, they could not take the increase in the last thirty years at less than six-fold. This, he thought, would go far to explain the great proportion of young persons employed in these manufactures; for taking the mean between zero and thirty, they would have fifteen years to add to the age at which children first entered the factory, to determine the mean age of the persons now actually labouring in the factory. These reasons would go far to explain why the average age of the existing factory operatives was not great. Another particular allegation was, that the females in factories were so injured in their health, by the nature of the employment, that they were not prolific. But medical men practising in the very places where manufactures were carried on, utterly denied the accuracy of that statement. Discarding therefore presumptive proof, and dealing only with facts as they existed, they really must not take it for granted, that the condition of the persons employed in factories was so desperate as the noble Lord would have them to believe. They had agents in 1833, in the employ of the Government, Commissioners of the Poor Law, and sub-Commissioners, who then made searching inquiries into all these matters. Under their agency at the period referred to, great exertions were made in certain parishes to induce agricultural labourers, for whom work could not be found in their own districts, to migrate with their families to manufacturing districts where the demand for labour was greater, and the wages were higher. These Commissioners in their first Report, stated the rate of wages in the manufacturing districts, for a family consisting of three or four members, to be at least double the best wages that a family of the same description could earn in the southern agricultural counties; and further, that the demand for labour at these wages was steadily increasing. A migration took place, in the first year to which he had referred, to a very considerable extent. Dr. Kay in his report had described the result of this migration both to the parishes from which it took place, and to the emigrants and their families; it proved most beneficial to both. The same thing went on for a series of three or four years, till about the year 1837, the year which was the commencement in the manufacturing districts of that stagnation of trade, and distress, of the reality of which the House and the country were fully convinced. He would describe the condition, after the tide of prosperity had turned, of some of the families that migrated. He would quote the words of a landlord residing in an agricultural district, and formerly a Member of that House, in preference to quoting the words of the Commissioners or sub-Commissioners themselves; because it might be said, that as they had encouraged the migration, they might think too favourably of its effects. The gentleman to whom he alluded was Sir Harry Verney, a resident in Buckinghamshire, who, in the year 1837, went himself to Wolverhampton and Manchester to examine into the condition of some agricultural labourers, who had migrated thither from his own parish. He states—

> "The farmers are no gainers, in a pecuniary point of view, by the loss of those who desire to go, who are usually their best men. The gainers are the men themselves and the manufacturers who want them. I went myself to Wolverhampton and Manchester, and found my own poor labourers gaining three times what they obtained at home."
>
> "Two of them came to see their friends, and I need not say that their visits stimulated others to desire to obtain similar situations."

He might quote a variety of other passages from the reports of the Commissioners and the sub-Commissioners bearing out the same conclusion, and corroborating the statement made on Friday night last by the hon. Member for Durham, as to the rate of wages in the manufacturing districts. He found from those reports that the average weekly earnings of 100 families who had migrated under the superintendence of the Poor Law Commissioners themselves, had been in the first year 1*l.* 9*s.* 4½*d.*; second year 1*l.* 14*s.* 1*d.*, third year 1*l.* 19*s.* 4½*d.* This confirmed the statement of the hon. Member for Durham, that the wages of the families in his employ ranged from 80*l.* to 100*l.* a year each. And with this increased rate of wages as compared with their previous earnings in the agricultural districts, no one could doubt that the condition of those who migrated was greatly improved. The noble Lord had dilated at some length on the moral condition of the manufacturing classes, and, no doubt, when large masses of people were congregated together, whatever their occupation and wheresoever their dwelling, their morals would, in some respects, be found to be less strict than the morals of a people usually are when the population is less dense. If, however, they subjected other occupations to the same searching examination as they had bestowed upon the factory operatives, they would find, taking all matters into consideration, results not very dissimilar. Take the case of the sailors, and the females with whom they associated—subject their lives to strict examination—will their standard of morality be found to range very high? His right hon. Friend (Sir J. Graham), formerly First Lord of the Admiralty, could tell the House something of the morality of Portsmouth Hard, if he chose to be communicative on so delicate a subject. Yet no one, because the morals of sailors were lax, and those of their female associates abandoned, proposed a Commission to scrutinise and lay bare their frailties. No one came forward to expatiate on the accidents and hardships of a sailor's life, and argue, from events inseparable from that mode of existence, that the axe must be laid at the root of the tree, and, that, unless we can lessen the hazards which our mariners run, and refine their habits, the present state and condition of nautical affairs must be abrogated. Why this abstinence from such attempts? Because all men knew the paramount importance of keeping up the Navy, and that our commercial and political greatness depends on our maintaining it. They tolerate a certain amount of evil for a greater amount of good; and who would say, taking the aggregate of good and evil that fall to the various states of existence, that the good did not in the main predominate. There was not a great building erected, a new Reform Club, or new House of Parliament in this city, that did not occasion fatal accidents; but no one argued from that that men should not become carpenters or masons, and called upon the House of Commons to pass a sumptuary law to force men, in the houses they build, to rest satisfied with what is low and humble. The appeal to our feelings in the case of the factory operatives might be more touching, involving as it did the case of females and children. The improvidence and extravagance said by the noble Lord to prevail among factory-people, must not be attributed to their being congregated together in factories. In the evidence taken by the Commission on the hand-loom weavers, the Rev. Mr. Brian, speaking of the Spitalfields' weavers, observed that from their manufacture being carried on entirely in their own homes, it might be expected that they would present a rare example of domestic felicity; but, on the contrary, from the unsteadiness of the employment, depending as it did on fluctuations in commerce and the caprices of fashion, no where were prudence and economy less habitually exercised than in the cottages of these weavers. Let them not suppose, therefore, that improvidence belonged exclusively to the inmates of factories; but compare their lives and habits with those of the other inhabitants of large towns, and the comparison will not be to their disadvantage. The noble Lord had asked, ought they not lay the axe at the root of the tree, and abrogate the system? What system? That of employing females and children in factories. This was his appeal to the House:—

> "It is a perpetual grievance," (said the noble Lord) "constantly recurring among the complaints of the workmen, in all times of difficulty and distress. The system disturbs the order of nature and the rights of the labouring man, by ejecting the males from the workshop and filling their place with females, who are thus abstracted from their domestic duties, and exposed to the most insufferable toil, for half the wages that would be assigned to the males for the support of their families. "Every consideration sinks into nothing compared with the moral mischiefs which this system engenders and sustains. Education is all in vain, there is no national or private system which can supersede the influence of parental example and parental instruction. Such a system ought not to continue."

And the hon. Member for Yorkshire also had said, "By this system the labour of the adult is superseded by that of children, and the labour of males by that of females." Were they prepared to follow these arguments to their legitimate conclusion, and to prohibit women and children from working in factories altogether. Or would they be content, as, to his astonishment, (after such arguments), he found the noble Lord would be, to diminish by one-sixth the hours during which women and young persons should be permitted to work in factories. Having considered the noble Lord's premises, he would in the sequel, confine himself to the Amendment, and endeavour to trace what if the Amendment were carried, would be its practical effects. Every Member who had hitherto spoken, seemed to have admitted, as the witnesses examined by the Commission of 1833 had done, that if they limited to ten hours the labour of women and children, the effect would be to limit to ten hours the labour of adult men. There was little difference of opinion upon this point, for that must be the inevitable consequence. The noble Lord was actuated by humane motives in endeavouring to restrict the labour in factories to ten hours, and expected nothing but good from his proposed restrictions; but would it not be as well to look into the arguments of the operatives themselves in favour of a ten hours' Bill for the purpose of discovering what consequences they anticipated from that measure? Those arguments were in evidence in the Report of the factory Commissioners of 1833, who say—

> "It appears to be the general opinion of the operatives, that though wages may in the first instance fall, from reduction of the hours of labour, the artificial scarcity of commodities thus occasioned, will effect a rise of prices, and a consequent rise of wages, as well as an increase of work for hands which are now partially out of employ, by occasioning the erection of new establishments to supply the deficiency of production caused by the diminution of labour."

They then quote the evidence of some of the operatives themselves, one of whom stated it as his opinion, that—

> "The reduction of hours will operate as if you took away two men out of every twelve; and the effect would be to make labour scarcer. Within three months of passing the Bill, they would get the same amount of wages for the ten hours as they now got for twelve, with this further advantage to the community at large, that if the same demand for goods produced continued that exists now, it would call the unemployed into employment, and lessen the

amount of Poor-rates." "That is my sole motive for supporting the thing." "I do not contemplate herein a rise of wages; but the same wages for a less degree of toil."

Another operative said—

"If it should be found, when the hours are brought down to ten for all, that many are still out of work, the hours should be brought down to nine or eight, so as to give employment for all. It is better that all should work for eight hours, than that half should work for sixteen. I mean that twice the quantity of machinery should be used. Bringing down the hours to ten will rather raise wages than lower them. It would continue in the same way if it was brought down to eight hours. I think it would hold all through if you brought it down to one hour. The shorter time a man works, the more he will get for his labour in proportion. Certainly, it would be a greater expense to the masters to lay out money for more machinery than now, if they were working for such short hours. As soon as a master found that did not answer, he would give over buying machinery, and let the labour be done by hand. I conceive, in that way, machinery would find its level. Our Bill would not touch those who work by hand; and so he might get liberty to work more hours than those who work by machinery. I do not think this Bill would stop the progress of machinery much; it must be a shorter hours bill than this that would do that. When machinery had found its level in this way, the prices of goods must rise; there is plenty of room for that. I think that would be the end of it; because it has just been the reverse, that prices have lowered, while we have been working long hours. I do not think it would take as many customers out of the market as it would bring in from amongst those who (now) cannot afford to buy. There are various opinions; but I think this is the general one among us that I have told you."

As many as twenty operatives who were examined before the Commissioners, gave evidence to the same effect, that they expected to receive twelve hours' wages for ten hours work. He could not conceive arguments more fallacious than those which he had just cited. In the first place, they all proceeded upon the assumption that the country had no foreign competitors. No doubt, if Europe was in the state in which it was in 1814, the addition of one-sixth to the value of labour, would produce comparatively only a trifling result. Prices would rise in proportion nearly to the diminished productiveness of labour, and extension of fixed capital; and neither capitalist nor workman would suffer to any extent. But now that many civilized countries were competing with them as manufacturers in every foreign market, they would be running a great risk in adopting the course recommended. They should consider in how short a time a country could rise to manufacturing eminence, how brief a period was sufficient to effect a revolution in commerce. At the close of the last war hardly any cotton was manufactured in France. This country then manufactured 60,000,000lbs. of cotton wool. What was the weight of the cotton-wool manufactured in France in 1840? Why, more than twice the amount manufactured in this country in 1814, at the close of the war. It was 150,000,000lbs. In the opinion of several of the manufacturers examined by the Commission of 1833, the immediate effect of a limitation of the hours of labour would be to raise prices in the market of the world, though not to the extent of the additional cost of production in this country, occasioned by that limitation. The foreign manufacturer, having the command of labour not subject to any restriction, would reap exclusively a higher profit than usual from this temporary rise. This would be followed by an extension of manufacturing works both at home and abroad. The next result would be a fall to at least the former level of prices after the works thus extended had come into operation, and then would arise a contest between the capitalist and the labourer which of the two should bear the burthen of that fall. As a certain consequence, the greater part of the ultimate loss would fall upon the receiver of wages. Mr. Ashworth, who was examined before the Commission in question, stated—

"The adoption of such a course would add to the profits of foreign manufacture, but nothing to our own. It would greatly stimulate the production of machinery to supersede human labour. The consequence would be decreased wages and want of employment; the ultimate effect would be a fall of wages."

If this country, actuated by motives of humanity, made regulations for limiting the hours of labour at home, they could not expect that foreign countries would follow their example. What better prognostic could we have of the future conduct of foreign countries respecting factory labour, than by looking to their conduct respecting the abolition of slavery and the slave-trade? The country with the most free institutions in the world, continued the system of slavery, and persecuted the men who advocated its abolition. The noble Lord stated that he would not consider this as a commercial question; but unless the noble Lord did so, he would not be considering it as a statesman. If they followed the principles of the noble Lord, and imposed restrictions upon cotton manufacture, what would become of the population of 931,000 dependent in Lancashire alone on manufacturing industry? The consequences would be most disastrous did they put down manufactures in that county to ever so limited an extent. The result of such a course would be also severely felt in the agricultural districts. Not less than 343,000 of the population of Lancashire, were persons not born in that county, attracted to it from agricultural districts by high wages, and depending on its manufacturing prosperity. How will pauperism increase in all the neighbouring agricultural districts, if you deprive the population of those districts of this source of employment? They might tell him that by diminishing the manufacturing population, they would diminish vice and immorality. It might be so; but he was confident of this, that if they diminished the number of persons who were raised above the necessity of supporting themselves by daily labour—if, by introducing distress amongst the manufacturing counties, they diminished the number of those who lived in affluence — although they might have less vice—yet, in a far greater proportion they would have less virtue. But if they restricted the manufacturing power of the country, how would they maintain the great colonial dependencies of Great Britain? Every day they had some new colony rising up and calling to them for support. The exports of cotton woven fabrics, taking them at their declared value, amounted in the year 1842, to 21,670,000*l.* Was it not obvious, that it was by the profit on the labour to which activity was given by the employment of manufacturing capital that the country was enabled to bear the great amount of taxation which the maintenance of its vast possessions required? If they discouraged manufactures in this country, other nations would quickly take advantage of the mistake, and obtain that pre-eminence in the civilised world which Great Britain, by her commerce and manufactures, had acquired. And if they once lost their commerce, and with it their naval superiority, he would ask how they were likely to be treated by their neighbours? They would be bearded, as they had formerly been, in their own bays and harbours by hostile fleets. The comforts of the people depended in no small degree on our supplying manufactures at a low cost. In what way but by offering these in exchange, are even tea, coffee, and sugar, once considered as luxuries, but now become necessaries of life, introduced into the cottages as well of our country peasants, as of manufacturing artizans? There were many minor considerations which entered into the question, and which had been adverted to by the Commissions of 1833. Contracts had been entered into between master and man, spinners had been engaged for fixed periods of service, and leases had been entered into by manufacturers, in the confidence that good faith would be observed towards them, and that no steps would be taken which would render the large investments which they have made unprofitable. The noble Lord, the Member for Sunderland, seemed to have his eyes open to the evil results of the measure now recommended by the noble Mover of the amendment, but he also seemed to think, as we had begun in an evil course of legislation, that there was no alternative but to pursue it. The Bill before them, as introduced by Government, was inconsistent with the principles which he had ever advocated; but of two evils he would choose the least; and if he could not arrest the progress of impolitic legislation altogether, he would try to defeat the amendment before the Committee, as a proposal pregnant with danger, in the best way he could. But the noble Lord had gone further with his alternative, and not satisfied with the ten-hour clause, believed that we must ultimately come to appoint local boards of trade, to settle differences between masters and men in different parts of the country. He did think that the House ought to pause ere it sanctioned a course tending to the establishment of so great a nuisance as a multitude of petty legislatures. He had omitted to notice one defence which had been made of the ten-hour clause. It had been urged that, although it would reduce the number of hours, as much work might be done in ten hours as in twelve, by increasing the speed of the machinery. But, then, what became of the humanity part of the question? If the labour was already so severe, that the number of working hours must be reduced, by requiring as much work to be done in ten hours as was now done in twelve, the intensity of the labour must be much encreased. The more rapid the motion of the machinery, too, the more suited would the work be to the light activity of young persons, and the greater the number of that class which would be brought into the factories. Besides, other countries might work their mills with the same rapidity; and for twelve hours instead of ten; and then what became of the argument. The late Government had referred a question, akin to the present one, the condition of the hand-loom weavers, to a Commission, of which Mr. Senior and Mr. Jones Lloyd were members, and they considered it their duty to state their opinion, what effect the laws prohibiting the importation of articles consumed by the operative classes had upon the comfort of those classes. They stated their opinion upon that subject; and he thought that they then, and he himself now, were justified in entering upon it, as the great question at issue, in either case, was what could be done to amend the condition of the working portion of the manufacturing population. The Commissioners stated that the effect of the Corn Laws was to raise the price of corn 20 per cent. And seeing that the labouring classes consumed one-half their wages in the purchase of bread, the Corn-laws taxed those wages to the extent of 10 per cent.; and by thus taxing wages, those laws also operated to the prejudice of manufacturing industry, by diminishing the power of the whole mass of the labouring community to consume manufactures. The committee stated, that

> "An increased supply of food would enable the weaver to subsist with rather less exertion on his own part, and to enforce rather less labour from his family."

Why, this was the very object of the amendment now under discussion before the Committee. The report continues—

> "The weaver might then shorten the long hours of labour, and allow his wife more time to devote to her domestic concerns."

Why that was the complaint made of the present system by the noble Lord, that it did not allow of the wife performing her domestic duties. The report continued to state, that an increase in his means of subsistence would enable the weaver to "delay the age at which his children would be sent to the factory"—the precocious age at which children enter the factory, is one of the evils to the root of which the noble Lord would lay the axe. The report went on to state that, "on the other hand, the whole labouring population being required to spend less in food, would be able to spend more in clothing." A relaxation of the import duties on food, then, was what was recommended by those gentlemen who had full authority to investigate, and who did investigate, the whole subject. There were other suggestions made by these Commissioners for improving the condition of the operatives. One of them he would give the present Government the credit of having adopted. It was a measure which he had long advocated—namely, an abolition or reduction of the duties on foreign timber, the Commission recommended it, as conducive to the improvement of the habitations of the poor. Other questions to which the Commission had directed the attention of the Government, the Government had not yet dealt with, such as our trade with Brazils—our trade with the United States of America—our trade with those States of the North of Germany included in the Zollverein; they had recommended that we should put our commercial relations with these countries on such a footing as to create a mutual exchange of commodities to as large an extent as possible. They condemned, in general terms, the practice of impeding the importation from foreign countries of articles of consumption, and especially of corn; because such impediments restricted the consumption of our manufactures, increased the irregularity of the demand for the article to be imported, and tended to produce mischievous derangements of the currency. To remove those restrictions, was the way to prevent the operative classes from pressing on the Legislature measures so impolitic as that now recommended, and to absolve them from the necessity of adopting that further evil, threatened by the noble Lord the Member for Sunderland, that of committing the buisness of legislating on the regulations between masters and workmen to local, selfish, and monopolizing boards of trade.

Viscount *Howick* rose to explain. His hon. Friend had misrepresented what he had said in the most incomprehensible manner. The hon. Gentleman had stated, that he (Viscount Howick) had maintained, that having adopted an impolitic course in 1833, they should, therefore, continue to persevere in it now — that Government having carried a measure involving a certain degree of evil, he (Viscount Howick) thought it therefore expedient, upon the whole, to sanction a measure involving a still greater degree of evil. Now, anything more utterly unlike what he did say it was impossible to conceive. What he said, was in answering the speech of the hon. Gentleman the Member for Sheffield, and it was this—that he could understand arguments like his against interference with labour at all: that he could understand that it might be thought advisable to abstain from any such interference, but that that was not at present the question. He had continued to say, that the inquiries conducted by Commissioners and Committees of the House had gone to establish a real necessity for interference; that that was a necessity which existed in the opinion of Government as well as in his own—that a bill was founded upon that principle of interference, and that the question between the noble Lord the Member for Dorsetshire and the Government was, whether the proper number of hours of labour to require from women and young persons was ten or twelve hours a-day. He stated how difficult he found it to pronounce a satisfactory judgment upon this point, but that, if he were obliged to come to some decision, he thought—knowing what he did of the strength of the human frame, and the amount of fatigue proposed to be inflicted upon it—he thought that ten hours, making allowance for the additional time required in going to, coming from the mill, and taking meals—was as long a period of labour as women and children should be called upon to submit to. If they made a law to fix the maximum period, it would virtually fix also the minimum period of labour; thus, if they made a law, enacting that women and children should not labour longer than twelve hours, its virtual effect was, that they should not labour for a shorter period. But his hon. Friend had maintained that he had proposed to establish monopolising boards all over the country, with the view of passing local regulations as to the relationship between masters and workmen. Now, all that he had said about the matter was this—that in former times, incorporated bodies of tradesmen, or guilds, had been found to produce advantageous effects on commerce and manufactures. He had stated, too, in glancing very briefly at the subject, that he thought that if they determined to create corporate bodies of this description, a power of revision should be given to the Crown, as in the case of municipal corporations, over their acts. He did think that some authority of this nature would prove an efficient check to any disposition to rear up systems of monopoly which might be manifested by any such bodies.

Mr. *Beckett* could not help expressing his surprise, that the discussion on this subject should have become one of profit or loss. He thought the question was whether there was cruelty, oppression, and evil in the system of factory labour, for without that the Amendment of his hon. Friend could not be entertained. The House could not interfere with the rights of trade or the freedom of labour, without some such accusation could be established. It was lamentable to have listened to the melancholy tale told by his hon. Friend; but at the same time he thought they were under deep obligations to his noble Friend for proposing a practical remedy, which almost every practical man agreed would have the effect of remedying the evil. How had the statement of the noble Lord been met? Had it been denied, excused, or palliated? It had been palliated by an excuse unworthy of that House to receive. It had been palliated by an excuse that the agricultural labourer was as badly off. Was that an excuse? The factory labourer was the only labourer within the power of legislation at present. By showing how they would treat him the House would show their opinion how labourers ought to be treated, and he would ask whether such an excuse, or palliation could be alleged as a reason why the House should not interfere in the case before them? The late restrictions had acted well, notwithstanding the outcry made against them, and they were now advocated by the great majority of the owners of machinery. The evils of factory labour were not disputed, but it had been said that the remedy proposed by the noble Lord would lead to great evils. The right hon. Baronet said, that the terms of labour were settled in 1833, and that it was not right to re-open that settlement. If that were the case, how did the right hon. Baronet himself justify the alterations which he made in the present Bill? The right hon. Baronet spoke of the violation of a principle; but if there were such a principle, it had already been violated, and the question was now one, not of principle, but of degree. The right hon. Baronet contended that twelve hours labour was requisite for the profitable employment of the factory. But the right hon. Baronet had taken very futile grounds for his calculations. He had spoken of machinery as lasting only fifteen or sixteen years, and that if the House reduced the hours of labour, there would be no profit or return on this employment. But he would appeal to the manufacturers of this country whether any of them had ever had any experience of machinery being worked for fourteen or fifteen years for twelve hours together? Such an employment for machinery was never heard of; and when the right hon. Baronet spoke of the remuneration for capital, which meant, of course, the interest for money, did the right hon. Baronet mean to take the year 1841, when the interest of money was 6 per cent., or in 1844, when it was not worth much more than 2 per cent? Or did the right hon. Baronet apply his proposition to new machinery, or to old machinery that had been fifteen or sixteen years at work? Such was the difference between different descriptions of machinery, and such the continuous alterations, that it was utterly impossible for the right hon. Baronet to found any calculation upon it. Why, there was a mode of combing wool recently adopted in France, and by a new invention the same work that was formerly done by forty men now required only one. It was, therefore, utterly impossible to make such a calculation as the right hon. Baronet attempted. The value of machinery depended upon the power of production, and the value of money upon the rate of interest. With respect to the main question, he regretted the course taken by the right hon. Baronet. He had applied to seventy firms in Leeds, and out of seventy no less than forty had signed a declaration in favour of a ten hours' Bill. The remainder were, generally speaking, in favour of an eleven hours' Bill; but there was not one which advocated a twelve hours' Bill — and of the Clergy in that town, out of 181 individuals of all denominations, there was not one who supported a twelve hours' Bill. The current of public opinion in that town, as elsewhere, was tending generally to a shortening of the duration of ten hours of labour. In Barnsley, there was not a man who worked more than ten hours. In Bradford, the same; and in Sheffield, in consequence of the absence of some moderate interference on the part of the Legislature, the Trades Unions had taken up the question, and the hours of labour were reduced to six; and he warned the right hon. Gentleman that, if the Legislature did not take some step, they might fear some evil consequences from the steps self-taken by the men who thought themselves degraded and oppressed. As to the main question, though he was a decided opponent of a twelve hours' Bill —indeed, he could not contemplate its passing, it would be disgraceful—yet he was not prepared at once to vote for a ten hours' Bill. So sudden a change might disrupt too violently commercial combinations; but (and the noble Lord had himself assented to it) he thought it would be better to have an eleven hours' Bill for a year or two previously to the restriction to ten hours coming into operation, so as to give the House an opportunity of judging of the effect of the restriction, and of interposing if it should appear to be injurious.

Sir *G. Grey* said, that as most of those hon. Members who had preceded him in the course of the debate on his own side of the House, had addressed it in opposition to the Amendment proposed by his noble Friend, he would as shortly as possible state the reasons which induced him to concur in the Amendment. In adopting that course he could assure the Committee that he was very far from being insensible to the difficulties which surrounded the question, and which, to his mind, rendered it one of very serious doubt and embarrassment. He was bound also to admit, that the arguments of the right hon. Gentleman opposite against the Amendment of his noble Friend were entitled to great weight, and he was not prepared altogether to deny the force of the observation, that the arguments of his noble Friend, and the facts upon which he based his proposition, were such as, if carried out to their full and legitimate extent, would lead to a more comprehensive conclusion than that which was involved in the proposition for which he asked the assent of the Committee. But, if that were so, he was bound to say that on the other hand he could not but perceive that the arguments of the right hon. Gentleman himself and of the other hon. Gentleman who had addressed the House, in opposition to the Amendment of his noble Friend, and especially those of his hon. Friend the Member for Kendal, were directed much more against any legislative interference — against the principle of affording protection to any class of labourers in factories by legislative restrictions—than against the limited, and, as he thought, reasonable proposition now submitted to the House by his noble Friend. They were warned as to the danger, in dealing with this question, of crippling the manufacturing energies, and impairing the commerce of this country. The force of that argument he was ready to admit, for the interests of those classes whom his noble Friend was anxious to benefit were intimately bound up with the commercial prosperity of the country; but he could not see a shadow of an argument to prove that the charge of involving our commercial interests in danger was only applicable to the Amendment of his noble Friend and did not apply to the principle of the Bill submitted to the House by the Government—a principle which had long ago been decided by the Legislature and acted upon for a series of years; even now, when a Bill was brought into the House to amend the law upon this subject, it was open to all hon. Gentlemen who held the views of his hon. Friend the Member for Kendal to take the opportunity of objecting to the second reading of that Bill, or of raising a discussion upon it on the question that the Speaker leave the Chair in order to reconsider that principle, or to ask the House to reverse its former decision. No such course, however, was taken, and he thought, that in the present state of the proceeding it would be unfair to raise that general question. He had a right, then, to assume that, in the opinion of the Legislature, some legislative protection was necessary for the operative classes now working in factories. And the real question was, how far ought that legislative interference to be carried — how far it could be carried consistently with safety—and how far for the interests of the operatives on the one hand, and the interests of the country on the other, it was requisite that they should carry it, and at what point they should stop. As to the main subject, there was at present no difference between the noble Lord and the Government. His noble Friend did not ask the House to go beyond the Government, and to comprehend other classes in the Bill not already comprehended in it, and the simple question upon which they were now called upon to make up their minds was the question, whether the period during which young persons between thirteen and eighteen, and women of every age were to be employed should be twelve hours, or ten hours, exclusive of the period of going to and from the factory, and exclusive of the time for meals. Upon that question an important observation was made by his noble Friend, the Member for Sunderland, who stated that this act practically fixed the maximum of actual labour in the factories, and the question then was whether that period should be ten hours or twelve hours for women and young children. Now, in favour of ten hours they had a host of facts, if facts were necessary to prove what he should think was a self-evident proposition—viz., that twelve hours in the cases of women and young children was a period of excessive labour. He was far from maintaining that factory labour was in itself more destructive to health, or tended more to shorten life, than the other ordinary occupations in which the labouring classes were employed. He rested his vote upon no such supposition. He was very far from imputing to the millowners a disregard to the interests of those who were in their employment, and he was glad to hear the facts stated the other night by the hon. Member for Durham, which proved in a variety of instances that, under good management and proper conduct, health and comfort were secured in connection with that employment; but they were now called upon to legislate for the mass, and to say whether, when asked to fix a limit to the labour of women and young persons throughout the factories of this country, that limit should be ten hours or twelve. Could any one deny that the period of twelve hours' labour, from day to day, amounted in fact to an absence, on the part of those so employed, of from fourteen to fifteen hours from their own homes, calculating the time they were going to and coming from the factory. Was there a single authority that did not say that the present amount of labour was injurious? Look at the report of the Factory Inspectors—those gentlemen, whose opinions were laid before the House for its information, and were entitled to great respect and attention, from the extensive experience they had had in these matters, and the honesty and integrity, evinced by their reports, with which they had discharged their duties. What said Mr. Horner, in one of his reports?—

> "The subject has been repeatedly mentioned to me by some considerate and humane millowners who know the evil of such a system, and wish to see it put down, and they have urged me to represent to the Government the propriety and necessity of preventing by law that women of any age should work more than twelve hours a day."

Those were the observations made by Mr. Horner to the Government: and what did Mr. Saunders say upon the same subject in his report of the 20th October, 1843?

> "I am equally well satisfied that persons are employed as adults for very long hours, physically unfit for the work they are called upon to do, and often unwillingly on their part.

In this remark I refer principally to females who have just completed the age of eighteen."

And in his further report of the 15th of January, 1844, he distinctly spoke of cases in which factories had been overworked, and referred to medical opinions on the subject, some of which had been quoted by the noble Lord. He said,

> "The question of reducing the hours of labour generally for all young persons to eleven in each day, and limiting the working hours to seven o'clock in the evening, instead of eight o'clock, has been freely and frequently canvassed Its advocates increase in number, and in the strength of their desire to see it carried out. It would be impossible for me to express too strongly my conviction of the ultimate advantages to be derived from it."

That was Mr. Saunders's statement in the most unqualified terms against this Bill, which would render twelve hours the period of work for young persons. But he also expressed his decided opinion that further protection was indispensably necessary to females working in factories. And when they looked to the fact of the very large number of women, and that number still, he feared, increasing, employed in factories, they must bear in mind how materially their withdrawal from the performance of all social and domestic duties must affect, not merely those individuals employed in factories but also the great mass of the population of the manufacturing districts. The arguments and facts adduced by his noble Friend showed the great extent of that evil. It might be alleged that his proposal would fail to apply an adequate remedy; but it was not because they could not entirely eradicate the evil, that they were not to endeavour to diminish it. Were they by a legislative enactment to declare that excessive labour was necessary to the continuance of our commercial greatness, for it was clear that no other plea could justify it? The noble Lord's proposition would withdraw those individuals for two hours more from the factories and to transfer them for that time to their homes, and could it be doubted that that would be a great mitigation of the evil, which no one denied to exist under the present system, and which would be continued under the sanction of the Bill now before the House? He thought that in connexion with other physical and moral ameliorations of the condition of the people, the proposal of the noble lord would produce most beneficial results, and he seriously apprehended that without it all other means of amelioration with respect to this large class of the population would be comparatively useless. The right hon. gentleman had expressed a strong apprehension of the probable danger that might arise from the proposition of his noble Friend. He thought that apprehension of danger was entirely conjectural, and, though he had listened to the speech of the right hon. Gentleman with all that attention that was due to what fell from him, and he had heard every argument that had been addressed to the Committee on the same side, yet he had not heard the slightest reason alleged, which would lead him to conclude that interference was perfectly safe up to twelve hours, but that the moment you passed that limit everything was fraught with danger. They had the opinion of the Inspectors of Factories that twelve hours were too much. There might be some medium between that and ten hours, and he understood the hon. Gentleman opposite, the Member for Leeds, to have proposed a gradual approach to ten hours. To this he should not object, but he thought it would be unwise to depart from the proposition of the Government and adopt eleven hours unless a further reduction was afterwards to be made to ten hours. Such a course would leave the subject open to all the agitation that now existed upon it; and might perhaps equally dissatisfy the mill-owners, and those who were represented by the noble Lord. He thought it of great importance, in dealing with this question, that they should look to the reasonable wishes and feelings of the great mass of operatives, who were deeply interested in this subject. The right hon. Gentleman stated that he had seen a deputation from the manufacturing districts, who were anxious to support the noble Lord's proposition, and a counter-deputation of delegates from operatives, who were anxious to see it rejected. He (Sir G. Grey) had also seen persons from the manufacturing districts on this subject, and he supposed that other hon. Members had done the same; and, from all he could learn, he believed that there did pervade the great mass of the population an anxious desire to see the proposition of his noble Friend carried into effect. From a conversation which he had had with four persons who represented the wishes and feelings of the operatives upon this subject, he was of opinion that they were fully competent to take a just view of the question and did not entertain those wild and extravagant opinions which may have been advocated by others, and which some ascribed to them. He put to them distinctly the question of wages. They said they were prepared to meet it, and considered that the diminution of wages if it took place, would be amply compensated by the advantage which this proposition would give them. But there was one consideration which, he confessed, weighed more with him than any other on this question; he referred to the growing opinion of the mill-owners themselves. His noble Friend stated, that above 300 mill-owners were advocates of the proposition which he now submitted to the House. He could not believe, looking to the vast interests those gentlemen had in this subject—he believed the noble Lord said that some of them were owners of some of the largest establishments in the country—that they would be in favour of the proposition of his noble Friend, if it did involve all the serious risk and danger which it was alleged would be involved in it. Their opinions weighed greatly with him. And when he remembered that the noble Lord the Member for South Lancashire, who was not peculiarly liable to be influenced by any sudden popular impulse, and who represented a large manufacturing constituency, after having given his deliberate attention to this subject, was decidedly in favour of the proposition of his noble Friend, it was impossible for him to conclude that the proposed amendment must be rejected on the ground of its certain tendency to injure the manufacturing interests of the country. With regard to the argument—the chief one against the noble Lord—the argument that his plan was fraught with risk and danger, he must refer to a valuable pamphlet published by Mr. L. Horner in 1840, with a view to show that foreign countries had followed our example with regard to factory legislation. He stated distinctly in the outset of that pamphlet, that in the year 1833 those very same arguments were used almost precisely in the same terms as now against the legislative interference then suggested. It was said at the time, that ruin must be the necessary consequence of any legislative interference. That interference, however, took place; and he took upon himself to say that that prediction had not been verified. And what was the inference Mr. Horner drew from that? He said, let the House in future receive with caution these prophecies of risk and danger, when they are called upon to legislate. He did not say that these predictions were to be altogether disregarded; but let them not be deterred by vague apprehensions of danger, which might be alleged against all change whatever, from satisfying themselves whether the proposition of his noble Friend could or could not be safely carried into effect, and whether the interests of the operatives might not be reconciled by those means with the interests of the country at large. Then again, the period of twelve hours appeared to be entirely arbitrary; whilst the period proposed by his noble Friend for the work of the young persons and women, was the period ordinarily observed in other occupations in which the great mass of the operatives of this country were engaged—not by virtue of any legislative enactment, but by virtue of arrangements existing between the masters and those who were employed with reference to the interests of both, and to the ordinary powers of the human frame. He was fully sensible of the objection that, by placing this restriction on the period of labour of women and young persons, a Ten Hours' Bill would be enacted for the whole working population. All he could say upon that was, that between the noble Lord's proposition and the Bill of the Government there was in this respect, no difference of principle. Their Bill professed to include the same classes whom the noble Lord asked protection for; and, therefore, if the noble Lord's proposition was a ten hours' Bill for the whole population, the right hon. Gentleman's Bill was a twelve hours' Bill for the same population. It was not, however, absolutely certain that such would be the consequence. On this subject, Mr. Saunders, in his report, said—

> "Instruct male adults in the business, and employ them whenever the necessity of night-work is forced on you. If the trade is not profitable enough to enable the mill occupiers to do this, and whatever restriction is imposed be applied equally on all in the trade, I do not doubt that a remedy will be found, and the demand for goods so equalised over the year, as to make it desirable to erect a little more machinery for the purpose of meeting that demand."

He did not attach much importance to the objection he had mentioned; but it applied in principle to the Bill of the Government as much as to the amendment of the noble Lord. At the same time he should be sorry to see any direct interference with the right which the adult male population had to carry their labour to the best market. As he had said, this question was one of considerable difficulty; the course which this debate had taken, showed that it was not one of a party character. It was a question on which each individual must make up his own mind, and decide on his own conviction of what was best. He must, however, add, without any intention of saying anything on a subject foreign to this debate, that the difficulties by which this subject was surrounded, were very much increased by the unwise and impolitic restrictions on trade, which were persevered in by the House, at once limiting the field of labour, and raising the price of the first necessaries of life to the operative population. He had come to the conclusion which he had adopted after much consideration, and though he might not feel the same degree of certainty with regard to it which had been expressed by others more conversant with the subject—he was satisfied that the evidence greatly preponderated in favour of the proposition of his noble Friend, and to that proposition, accordingly, he would give his support.

Sir *J. Graham*: I am particularly anxious to trespass on the indulgence of the Committee for a very short time, in order to explain the view I am compelled to take of this question, especially after the speech of the right hon. Gentleman who has just sat down. If the House will give me credit for the sincerity of the expression of any wish, I cannot state too strongly my desire to exclude from this discussion anything of a party nature, but at the same time it is my bounden duty, with reference to this subject, and especially after the speech just concluded, to bring certain facts to the recollection of the House. It might be supposed from what had been said in the course of this evening's discussion, that the proposition contained in this Bill—that the labour of young persons in factories should be limited to twelve hours—was a new one, originating with Her Majesty's present advisers; such is not the fact. It has been inferred, and I frankly admit the inference, that twelve hours will also be the limit for the labour of adults as well as young persons. The right hon. Baronet who has just sat down says, that Mr. Saunders has thrown some doubt on the question whether the limit imposed on the labour of children and young persons is practically the limit for that of adults. If there be any question with respect to its being incidentally a limit on the labour of adults, in frankness I must say, that the proposition I have now made on the part of the Government, absolutely limits the labour of females to twelve hours. If there be any doubt that a limit on the labour of the young will be a limit on the labour of adults, there can be no doubt that this Bill, enacting a limit with respect to females employed in all the great branches of manufacture, will practically impose a limit on the labour of grown persons generally. This it must be observed, is a most important point in the argument, and I wish to explain what fell from me the other evening, inasmuch as it may seem to have been inconsistent with this admission. I then stated as a fact, that wherever labour beyond the limit of twelve hours could be obtained in factories wrought by machinery, there, both men and women, actuated by the love of gain, had manifested a most earnest desire to avail themselves of the opportunity to labour beyond that time. This may appear at variance with the admission I have just made as to the practical limitation of working; but it is explained in this manner;—The great staples of manufactured articles, especially of cotton and worsted goods, are wrought by machinery, requiring for their production the conjoined labour of grown persons and young persons. But there are purposes for which this joint labour is not indispensable, and the fact is, that in that portion of the work which can be performed without the labour of young persons, when a part only of the machinery is worked, precisely in this portion, both men and women have shown great avidity to be employed. If it were not for legislative interference, the natural desire of gain, the great moving power of human exertion, will lead both men and women to exert themselves to a degree far exceeding that which is proposed, namely, the limit of twelve hours. But now, to turn to another part of the question. It is one of the evils of a departure from principle, that when once this has taken place, the ground of principle is no longer tenable. I admit to the hon. Member for Leeds, that the question of principle has been already decided, and we are now arguing a question of degree. The right hon. Gentleman who has just sat down said, why choose twelve instead of ten, and he has spoken as if the House were now about to make a choice for the first time; his argument, if unanswered, may produce an impression on the public mind as if the limit has now been capriciously selected. I am sure the Committee will pardon me if I very shortly trace the progress of legislation on this subject, as it is not unimportant to the question before us. Before 1802, there was no limit whatever with respect to the labour in factories of children, young persons, and adults. The first legislative enactment applying to the subject, bears date in that year. The Act of 1802, deals only with apprentices, and by that it is provided, that apprentices in factories shall not work for a longer period than twelve hours. This is the first exercise of what may be termed an arbitrary discretion on the part of the Legislature; it interfered, for the first time, in behalf of the most helpless part of workers in factories; and, therefore, those who most required its protection—parish orphan apprentices. Proceeding on the necessity of the case, it interposes for the purpose of fixing a limit of twelve hours out of every twenty-four, as the maximum for the labour of apprentices. Thus the law stood from 1802 to 1819, a period of seventeen years, when an Act was introduced to make further provision for regulating cotton-mills. The Act of 1802 applied only to apprentices; the Act of 1819 went further, and provided that no children should be employed under nine years of age, and that persons between the ages of nine and sixteen, should not be allowed to work more than twelve hours a day, preserving the limit of twelve hours out of the twenty-four, but extending protection from apprentices only to children under the age of nine. Six years afterwards an Act was introduced for the regulation of cotton-mills, and it provided, that no person under sixteen years of age, should be allowed to work more than twelve hours, on five days of the week, nor more than nine hours on Saturdays. Twelve hours were the precise limit, then, as now, but the limitation of working nine hours on Saturday was then introduced for the first time. So the law remained, until 1831, when the right hon. Baronet the Member for Nottingham (Sir J. Hobhouse) actuated no doubt, by the most humane motives, sought to extend the protection of the former Act, and provided that no person under twenty-one, should work in the night, that was, between half-past eight in the evening, and half-past five in the morning, putting an end to working by double spell throughout the night. The right hon. Gentleman also provided that no person under eighteen years of age should work more than twelve hours, again retaining the limit of twelve hours, with one and a half hour for meals, the hours of work being exclusive of meal time—that is to say, twelve hours to be the fixed limit for labour, with one and a half hour for meals, the factory to be open for fourteen hours, and children under nine not to be employed at all, and to be allowed, when above nine years, to work for twelve hours. I have now traced the changes of the law from 1802 to 1831. In 1833 the noble Lord, the Member for Dorsetshire, for the first time, proposed the limitation of hours from twelve to ten. Let it be observed, so far from twelve being a capricious arbitrary limit, I have shown, that from 1802 to 1833, it had been invariably preserved, and it was never proposed to alter it until my noble Friend, in 1833, introduced a measure for the limitation of labour to ten hours. At that time, I had the honour of being one of the advisers of Her Majesty, with several noble Lords and hon. Gentlemen whom I now see opposite. The Ministers deliberated on that proposition, and gave it their best attention. The late Lord Sydenham was then Vice-President of the Board of Trade, and represented that department in this House. Again, no one will assert that a more humane man than Lord Spencer, who was then at the head of his party in this House, could be found in the community, or one on whose nature the harrowing statements of the noble Lord, the Member for Dorsetshire, were more likely to produce a strong effect. I know how anxiously Lord Spencer deliberated on the question at that time; but, the identical proposition now before the House being then brought forward by the noble Lord (Lord Ashley), Lord Grey's Government had to determine whether they would acquiesce in it or not; and, on referring to the Debates, it will be found that Lord Althorp, then the head of the Government in this House, in conformity with the decision of the Cabinet, resisted the Motion of the noble Lord; and Mr. Poulett Thomson, then representing the Board of Trade, urged in the strongest manner precisely the same arguments against the measure which I addressed to the House on Friday last, when I spoke on the subject. That right hon. Gentleman pointed out, that although the intentions of the noble Lord were most humane, though the facts on which he rested his conclusion were most distressing, yet, taking a dispassionate view of the policy of the proposition which he had introduced—considering not merely what concerned the replacement of the capital embarked in manufacturing establishments—though such considerations were not to be disregarded—but the more humane, the larger, the proper view on a subject of this kind, namely, the interests of the receivers of wages, the Government unanimously decided that the proposition must be resisted. My noble Friend took the sense of the House on the question, was defeated, and dropped the measure. My noble Friend, Lord Althorp, then took up the subject, and passed that law, which from that time to the present has regulated factory labour. The Noblemen and Gentlemen whom I see opposite, and who formed part of that Administration, did then concur in the opinions which I entertained, which I have ever since entertained, and the cogency of which I do not think can be resisted. It will, perhaps, not be inexpedient that I should trace the course of legislation since that period. The Act of 1833 placed the silk manufacturers on the same footing as the cotton, wool, and flax manufacturers, and in the following year a Bill was proposed by Mr. Poulett Thomson and Lord Howick to alter the provisions of the Act of 1833. It was, however, a measure of minor importance which dealt with silk, but there was no reduction in the hours of labour for cotton prepared. In 1835, however another Bill was brought forward of quite a different aspect by the hon. Member for Ashton-under-line (Mr. Hindley) and the hon. Member for Salford (Mr. Brotherton), by which it was proposed gradually to reduce the twelve hours of labour for young persons by half an hour per annum till 1839, when the period of work would be limited to ten hours a-day. That was in effect the same measure as the proposition of the noble Lord. The right hon. Baronet, the Member for Nottingham, on the part of the Government, having previously dealt with the subject, and gone as far as he thought prudent in extending protection to the younger and more tender persons under eighteen, and in certain circumstances also from eighteen to twenty-one, said, that he would not oppose the introduction of the Bill, but on the understanding that it was not to be proceeded with that Session, carefully guarding himself against being understood to assent to the principle of the Bill, either on his own part or on that of the Government. The Bill made no progress in that Session, and in the following year, I believe, it was not brought forward. But at this stage a most important circumstance occurred; another Bill was brought forward by Mr. Poulett Thomson and Lord John Russell, then the leader of the Government in this House, to explain and amend the Factories Bill. Now, would it be believed at that time there was no intention whatever on the part of the Ministers of the Crown still further to limit the labour of grown, or even that of young persons, but that the object of the measure then introduced was exactly the reverse? By the Act of 1833, which was to be brought into gradual operation, the hours of labour of children under the age of thirteen years were limited; but this limitation did not take effect till 1836. In that year, as I have stated, a Bill was introduced by Mr. Poulett Thomson and the noble Lord (Lord J. Russell) to repeal that provision of the Act of 1833 to which I have just alluded, and therefore to permit children between the age of twelve and thirteen to work for twelve hours, notwithstanding the Act of 1833, which provided that after this year no person between twelve and thirteen should work for a longer period than eight hours. I am not stating this invidiously, and I do not know what is the intention of various hon. Members whom I see opposite, and who were then in the House; but it is quite clear that at that time they had not receded from the conclusion to which they arrived in 1833, that twelve hours were a reasonable time for the daily labor of young persons. There was a division on this point. I voted with the noble Lord, though then opposed to him, and the majority — a small majority—remained with the noble Lord, and those who were then his Colleagues; but, as it seemed, Government did not think it expedient to press the measure. So the matter stood until 1838, when a Bill was brought in by the right hon. Gentleman, the Member for Taunton (Mr. Labouchere), then filling a high place in the Board of Trade, and Mr. Fox Maule, who was then Under Secretary of State, the noble Lord, the Member for London, being the Secretary for the Home Department. By this Bill it was proposed to enact that children were not to work more than nine hours a day, and young persons not more than twelve hours, still adhering to the accustomed limit, which had been kept up since 1802. In 1839, a Bill was again introduced by Mr. Fox Maule and Lord John Russell, which was almost identical with the Bill of 1838; young persons were to work twelve hours a day. In the Committee, the noble Lord the Member for Dorsetshire, thought it necessary to make the same proposition as in 1833, and he moved that the blank in the clause be filled up with the words "fifty-eight," instead of "sixty-eight," which, practically, would make a reduction from twelve hours to ten hours a day. I cannot state more briefly or forcibly the objections to this Motion, than they were stated, where I find them on record, in the speech of the noble Lord, the Member for London, who, in 1839, the last time the question had been discussed, opposed the very proposition which is now before the House. The noble Lord's speech was so short that I may venture almost to read the whole speech:—

> "It seemed to him, that the noble Lord (Lord Ashley) had not answered the question put by his hon. Friend, the Member for Wolverhampton (Mr. Villiers) namely, whether, having reduced the hours of labour, the noble Lord could provide at the same time that the same remuneration should be given for the shortened hours of labour?"

Now, this is exactly the answer to the delusion which still prevails—that for ten hours' work twelve hours' wages will be given. This is an idea which has always prevailed among the working classes; and it is a delusion so gross that the House is bound to exercise its protecting care, and not to mislead them by a measure, resting on such false expectations, and which will most certainly be followed by such fatal disappointments. The noble Lord went on to ask, "Does the noble Lord mean to carry his principle to the extent of fixing wages by law, or does he not?" At that time it had not struck the noble Lord that it was possible to do what the noble Lord, the Member for Sunderland, suggested, that, though they could not be fixed by law, yet they might be fixed by local boards of trade, acting under the authority and control of the Secretary of State. [Viscount *Howick:* I never said they might fix wages.] I certainly understood the noble Lord to say that local boards might be appointed on the same plan as the Council of *prud' hommes* in France, with the sanction of the Executive Government, by which all questions of trade might be regulated, and I concluded of course that the most important which could be discussed between masters and workmen—that of the rate of wages—would not be excluded. The noble Lord (Lord J. Russell) in the speech I am quoting went on:

> "If he did mean to do so, the Committee knew, of course, the impossibility of adopting such a course; and if he did not, the Committee must know that whatever shortened the hours of labour, and with the present high price of provisions, reduced the rate of wages, instead of being a proposition of humanity, would be a proposition of the greatest inhumanity. Therefore, as he thought the proposition, if carried into effect, would be cruel in its operation, he must vote against it."

Although I was at that time opposed to Her Majesty's Government I was present on that occasion and voted with my former Colleagues, maintaining to the utmost of my power the opinions so ably expressed by the noble Lord, the Member for London. I hope I may be permitted to read some of the names of those Gentlemen with whom I had then the honour of dividing, in a majority of 94 to 62. On that occasion I had the pleasure of voting with the right hon. Sir George Grey, with Mr. B. Hawes, who now appears inclined to support the proposition of the noble Lord, with the right hon. Sir J. Hobhouse, with Viscount Howick, with the right hon. Mr. Labouchere, with Viscount Morpeth, with Mr. F. Maule, who was one of the Tellers, and though last, the most important, with Lord John Russell.* I have now traced the course of legislation up to 1839. In 1840, a Committee was appointed, to investigate the question, and in 1841 another Factory Bill was introduced consequent on their report, according to which children were not to work more than seven hours a day, and young persons not more than twelve hours, thus strictly adhering to the old limit, deliberately sanctioned by five or six Parliaments, and as many Governments, and never yet departed from by any Administration; but which the right hon. Gentleman opposite, by his speech, would lead the public to suppose was now for the first time capriciously adopted by Her Majesty's Government. That Bill was brought in by Mr. F. Maule and Mr. Sheil. I will now briefly advert to some of the topics which have been discussed since I last addressed the Committee, and first, in this respect, the opinions of the Factory Inspectors. I place the greatest reliance on the authority both of Mr. Horner and Mr. Saunders. In the passage quoted by the right hon. Baronet, Mr. Saunders seems to be of opinion that a period of twelve hours is too long. I do not think any evidence of this kind can be produced as to the opinions of Mr. Horner; but I have felt bound in a matter of such vast importance, these gentlemen being persons of high authority in this matter, knowing well the feelings and interests of the working classes, on the one hand, and of their employers, on the other, to put the question to them, whether they believe the adoption of a ten hours' Bill will be conducive to the interests of the operatives and the manufacturers? and I can now state, on their authority, that the passing of a ten hours' Bill will have the worst effect on the interests of the working classes, properly considered. I am bound to admit that since I last addressed the House several great authorities have pronounced in favour of the Motion of the noble Lord; first there was one of the Members for the southern division of Lancashire (Lord F. Egerton) who expressed himself favourable to the proposition. Then came one of the Members for the West Riding of Yorkshire (Mr. S. Wortley), and the noble Lord, one of the Members for Liverpool (Lord Sandon), has declared for it, and, in my estimation, by no means the least authority, my hon. Friend the Member for Leeds (Mr. Beckett). But after all, this is a matter to be decided by reasoning, and not by authority, and I cannot persuade myself that anything which fell from those high authorities can countervail the weight of argument which appears to be against the proposition. My hon. Friend the Member for the West Riding, says the consent of the mill-owners of that division of the county is very generally given to the proposition, and the hon. Member for Leeds, stated that most of the mill-owners of the West Riding, connected with the woollen trade, are favourable to an eleven hours' Bill. Let me remind the Committee that the question now before it is, whether they will agree to a ten hours' Bill. It is right that this point should be clearly understood. With respect to a large branch of the woollen manufactures of the West Riding, machinery of a comparatively cheap and simple description is used, the workmen being paid by the piece, and his masters not being anxious to work a greater number of hours than is absolutely necessary for the demands of the trade. Thus to them the matter is comparatively indifferent. But, in the more expensive manufacture of worsted, where the higher species of machinery is in use, where great capital is vested, there will be found no great inclination among the mill-owners to reduce the hours to ten. The same observation applies to the great staple of the cotton manufacture. Speaking on the best information I can obtain, I believe the cotton manufacturers, who generally use expensive machinery requiring a great outlay, and from the constant improvements which are made in it, an early renewal, as well as the worsted manufacturers, will, ninety-nine out of one hundred of them, implore the House not to make this alteration. ["*No, no.*"] The hon. Gentleman denies it. I have taken pains to inform myself, and I feel sure that what I have said is a fact. There is an hon. Gentleman opposite (Mr. Fielden the Member for Oldham we believe), who was most favourable to a ten hours' Bill, and if it were possible for him to keep up in the race of competition, and work his people only ten hours a day, the warm feeling of his heart would prompt him to do so; but, as matters stand, that hon. Gentleman, I have been informed, avails himself now of the full privilege of the law, and invariably works his labourers twelve hours a day. I admit, that this is the effect of competition. I did not say as I appear to have been understood, that it is necessary for machinery, in consequence of improvements to be replaced once in every sixteen years, but rather once in twelve or thirteen years, and I quoted the opinion of Mr. Horner on the point. In that gentleman's report for 1842, at page 81, there is a statement made by one of the most extensive mill-owners in Manchester which I will read to the House. The passage is as follows:—

---

* See Hansard, Vol. xlviii., Third Series, pp. 1883, 1885.

> "The improvements in machinery are so constant and rapid, added to the changes in trade which render particular kinds of machinery entirely useless, that in the cotton manufacturing business the whole value of the machinery ought to be repaid to its owner in twelve or thirteen years at latest."

Now, whether it were in sixteen or thirteen years that the machinery will have to be replaced, there is a certain amount of dead capital embarked in that machinery; and if by the proposition of my noble Friend, we abridge one-sixth of the period in which this capital will have to be replaced, in proportion as we diminish the time in which the whole machinery is allowed to work, the period for its necessary renewal remaining the same, we demonstrate practically the fatal loss on the fixed capital embarked. I have before said, that I will advert to one, the only means of escape open to the master-manufacturer—the only means to prevent loss falling upon him, if the proposition of the noble Lord is carried which I hold to be the most important part of the argument. I am satisfied, in the present state of the market of labour, that the master-manufacturers, if the proposition is carried, will be able, under present circumstances, and at the present moment, to transfer the loss from themselves, the stronger party, to the labourer, the weaker party. The House, I know, dislikes calculations, and it is indeed difficult to state them with clearness and precision. I feel it, however, necessary to allude to one or two facts. On the former evening of the debate, I quoted some statements by Mr. Horner, which I verified to the best of my power, and I still believe that the immediate effect of assenting to the proposal of the noble Lord will be a reduction of 25 per cent. upon the wages of the operatives. Observe, then, if that be the state of the case, if some of these labourers are in that comfortable position I heard, with so much delight, stated by the hon. Member for Durham the other evening, whole families of them earning—as that hon. Member stated he knew of his own knowledge, for they were in his own works—93*l.* a-year, if I am right in the position of the decrease of wages consequent upon the noble Lord's proposition, what will be the effect of that proposition upon those very families of labourers now receiving 93*l.* per annum?—why their wages will be reduced to 70*l.* A more disastrous proposition than that can hardly be entertained. If I am right, it is our duty to pause; and all I ask on the part of the Government is, that the House should adhere to a law which has prevailed in the country for forty-two years—that twelve hours of labour shall be the limit. I will not encumber the argument by considering other and minor propositions as to restriction; but if I am right, and if the effect of the noble Lord's proposition will be to reduce those families now fully employed by the hon. Member for Durham, at an average rate of 93*l.* down to 70*l.* I ask what will be the excuse for such legislation. This House is probably the most highly educated assembly in the civilized world, we fully understand these matters in all their bearings, and all their consequences in this chain of cause and of effect: and as Legislators we are bound to weigh them well. It is the duty more especially, of every Government to weigh all these considerations; and every Government which has weighed them has taken the course I am now recommending to the House. In my estimation a fearful responsibility is connected with this question—the ruin of the country may be the speedy result of a wrong decision; and I, for one, am not disposed to share in the responsibility I should incur by supporting the proposal of the noble Lord. If the House will permit me, I will endeavour to trace the course of the argument by which, as I think, I can show that the inevitable effect of this measure of a ten hours' Bill will be a reduction of 25 per cent. on the wages of the operatives. I will first take a case mentioned in Mr. Horner's report for 1842, page 79, which was the estimate of the fixed charges of a cotton-mill at Manchester, employing 520 hands, and amounting to 1,914*l.* 8*s.* The statement was, that if a mill worked less than sixty-nine hours per week, there would be a loss to the manufacturer of 2*l.* 16*s.* 10*d.* per hour. I will suppose the reduction proposed by my noble Friend to be from twelve to ten hours a day, in other words, sixty instead of sixty-nine hours per week and then multiplying the 2*l.* 16*s.* 10*d.* by nine, will give 25*l.* 11*s.* 6*d.* weekly loss upon this head. Mr. Horner's statement is, that in the mill in question, there are 170 operatives employed at 15*s.* per week, and 350 at 10*s.* per week. Thus, the weekly wages paid in the mill amounted, in the first class, at 15*s.*, to 127*l.* 10*s.* and in the other class, at 10*s.*, to 175*l.* The total weekly wages amounts, therefore, to 302*l.* 10*s.* The amount of weekly loss, therefore, on account of fixed capital, will be nearly one-twelfth of weekly wages; and, it is a conclusion that cannot be escaped from, unless the fallacy be adopted, which, I fear, has imposed upon many of the working classes, that twelve hours' wages will be paid for ten hours' work—that a reduction in wages must be exactly commensurate with the reduction in time, and that the master manufacturers must reduce wages to the extent of one-sixth. I will, however, put it at one-seventh, and let that point be recollected—a positive reduction in wages of one-seventh. The amount of weekly loss on account of fixed capital is as one-twelfth in proportion to wages. Add one-seventh to one-twelfth, and the total reduction of wages will amount to nineteen-eighty-fourths of the wages now paid equal to a little less than one quarter, but more than one-fifth, or to somewhere about 23 per cent. I believe, that the calculations on the subject irresistibly prove, that the practical inevitable effect of passing the proposition of the noble Lord, will be, in the present state of the commercial world, equal to a reduction in wages in the cotton and worsted trades, greater than one-fifth. In matters of this kind, hon. Gentlemen will admit that Mr. Poulett Thomson's opinion is of authority. Mr. Poulett Thomson said it would be better for the master manufacturers to have a duty of 2*d.* per lb. imposed upon raw cotton, than to have this proposition for a reduction of time from twelve to ten hours carried: and Mr. Poulett Thomson said, that in many cases such a proposal would inflict a loss of 100*l.* a week upon the master manufacturers. The hon. Member for Kendal has forcibly put forward the point urged by me, that the conclusions of the noble Lord are at variance with his premises. He ought not in consistency to stop short; he ought to prohibit female labour in factories. The noble Lord has absolutely prohibited female labour in mines and collieries, and the labour of any child under ten years of age. The noble Lord the Member for Lancashire felt the force of that sentiment when he exclaimed, "Would to God we could prevent females from entering the factories altogether." As a matter of wishes and of feeling, I may take the same view; but speaking practically of the state of the manufacturing districts, assuming that the position I have taken regarding the reduction of 25 per cent. upon wages from reduction of time is well founded, I am bound to ask myself the question—shall labour be reduced from twelve to ten hours, to be followed by the certain evil of reducing the wages, not only of the woman but of all her children, and of her husband 25 per cent. That is the consideration—that is the balance in which to weigh it. I am convinced a measure more injurious to the peace and blessings of civilised life in that community, and more fatal to the real interests of that class cannot be adopted. My noble Friend the Member for Liverpool has declared his object to be to equalise labour—that he is desirous to place labour on the same footing throughout the kingdom, and that ten hours' work shall be the limit of human industry. That is a most ominous warning. This is but a small step if indeed we are to deal with the whole labour of this great community. I must say, that a more disastrous course of legislation never has been entered upon. My noble Friend has said, he wished to equalise the distribution of labour, and that legislation had tended to that end. Now, any Gentleman practically acquainted with the subject will be able to say, whether, although the Legislature in 1834 might, to a certain extent, have protected children, and secured young persons against excessive labour, legislation had thereby tended to equalize the distribution of labour. I assert on the contrary, that it has had a directly contrary effect. The effect has been to drive children from that kind of labour which has been regulated by law to other labour in the immediate vicinity which has not been touched by legislation. I have been informed that 35,000 children are employed in calico printing; that they are worked without limitation of time, they begin to labour at six years of age, and they work fifteen hours a day, even night labour is not prohibited. So far, therefore, from the tendency of legislation being such as has been stated by my noble Friend, it has been directly opposite. There is a congestion of labour where there has been no legislation; there is a depletion of labour where there has been interference. In consequence of this very competition in infantine labour in branches of trade untouched by law, there is great difficulty and inconvenience in carrying the law into effect in those manufactures, with which we interfere. I have now gone through those various topics and I have troubled the Committee at much greater length than I could have wished, but I was desirous of showing to hon. Members and to the country, that Her Majesty's Government does not resist the natural wishes of a large body of the labouring classes without having given the fullest deliberation to the question or without sufficient reasons in their own minds for participating in the views of every successive Government, which on its responsibility, has attended to this important subject. I will now conclude with one or two general remarks. I think, that in politics, as in morals, there is a retribution inherent in the course of affairs which is clearly perceptible in matters of Government, and I have never yet seen an instance of a wide departure from the principle of sound legislation which has not, sooner or later, produced confusion and created inextricable difficulties. I am also decidedly of opinion that every such departure is not only calculated to create confusion and difficulty, from which there will be no escape, and for which it will be hard, if not impossible, to find a remedy, but that it will be fatal to the interests of those whom it was originally intended to serve. Above all, I must impress upon the Committee, that if the stringency of certain restrictions be increased it will be necessary to relax others of a countervailing nature; the subject is delicate, it is like a house built of cards, from which one can not be removed without danger to the whole fabric, and evils may be created which I tremble to contemplate, but certainly, foreseeing those evils, I am bound with the whole power and influence of the Government to guard against them.

Sir *G. Grey*, in explanation, begged to observe, that nothing had been further from his desire or intention than to introduce party feelings into the present discussion, and he felt confident, that nothing which had fallen from him had exhibited any such intention as that which had been imputed to him. The right hon. Baronet who had just sat down had charged him (Sir G. Grey) with inconsistency in the course he now proposed to take as compared with that which he had taken in the year 1839. The right hon. Baronet ought to have some charity as to inconsistency, when he himself looked back at past events. But it could not be forgotten that upon the question now under discussion there had been a great deal of new information afforded during the interval which had taken place since 1839, and no regard to inconsistency should induce him (Sir G. Grey) to reject the light which had been thrown upon the matter. On looking at the division list of 1839 to which the right hon. Baronet had adverted, he found that the noble Lord, the present Secretary for Ireland (Lord Eliot), and the right hon. Baronet, the present Paymaster of the Forces, (Sir E. Knatchbull), both voted in favour of the motion of the noble Lord, the Member for Dorsetshire.

Mr. *M'Geachy*: It is with considerable reluctance that I venture to trespass on the indulgence of the House; first, because I am fully aware of the great difficulties which beset this question; and, next, because I may appear to trench upon the province of the noble Lord, the Member for Dorset, who has for so many years devoted himself to this subject. Still, in the present posture of affairs in this country, I feel it is my duty to speak out upon this question. Sir, I deem the noble Lord of great value to the country at the present moment amidst the wretched materialism of the age. There he sits, a proof that principle does exist—that every man has not his price—there he sits self-excluded from office, because he deemed the acceptance of office inconsistent with that entire devotion of himself to the cause of the poor in which the best years of his life have been spent. I honour that noble Lord, because I believe that he is as ready to inquire into the condition of the Dorsetshire labourers as of the factory children; and I regret that the hon. Member for Stockport did not, on a previous evening, move for a simple inquiry into the state of the agricultural labourers without prejudging the case; though I cannot but congratulate the hon. Member on the altered tone of his remarks, a tone, which if truth, as I am bound to believe, be his object, will far more surely advance his cause, than that in which his remarks in this House are not unfrequently made. I greatly regret that the Government has not on this occasion introduced a Ten Hours' Bill — (more especially as three of its Members, if I am rightly informed, voted on a former occasion in favour of such an enactment)—instead of leaving it to what I trust will prove a majority of this House to bestow so great a boon on the operatives of this country. On one Member of the Government, at least, a Ten Hours' Bill has an hereditary claim. Five and twenty years ago the first Sir Robert Peel said before a Committee of the House of Commons in speaking of a Ten Hours' Bill :—

> "Such an unlimited and indiscriminate employment of the poor, consisting of a great proportion of the inhabitants of the trading districts, will be attended with effects to the rising generation, so ruinous and alarming, that I cannot contemplate them without dismay, and thus the great effort of British ingenuity, whereby the machinery of our manufactures has been brought to such perfection, instead of being a blessing to the nation, will be converted into the bitterest curse."

Sir, I cannot agree with the right hon. Baronet, the Secretary of State for the Home Department, to narrow down the question merely to one of two hours of time. The whole principle of interference is involved, and the arguments of the right hon. Gentleman are as potent in favour of sixteen hours of labour as in favour of twelve, and he appears in the position of one, who confesses that an error has been committed in interfering with labour at all; and that a right principle has been broken in upon. I have not risen on the present occasion, prompted by the desire of making a speech, but because I feel bound honestly to express the opinion I entertain on this difficult question. The present Government came into power in 1841 upon the shoulders of the people—no bribery—no corruption—could have given it so large, so overwhelming a majority. The Government, had it identified itself with the wants, the wishes, and the feelings of the people, might have been the strongest England has ever seen. But what has been their course? Vigorous and energetic in opposition, they have been most cautious in power. Last year, indeed, the right hon. Gentleman, the Home Secretary, held out the olive branch in the shape of a Factories Bill, containing the education clauses, but it was received with scorn and indignation. The dignified apathy of the Church on the one hand, and what I must call, the fanatical intolerance of the Dissenters on the other, threw out the Bill, the factory children were abandoned to their fate—and were left without education, a standing proof of our most unhappy divisions. I do not blame the Government for their conduct with respect to that Bill, for although they might have taken a bolder course, I believe they acted honestly, uprightly, and to the best of their ability. Now, the Government has identified itself with the New Poor Law, and the right hon. Gentleman announces his intention of carrying out the principles of a law, which avowedly cannot be carried out in the manufacturing districts, and which recent disclosures shew can as little be carried into effect in the agricultural parts of the country. Now, in what I am about to say, I do not mean to allude to any one Government in particular, but I would ask, What lesson do Governments teach the people? What but this? the benefits of agitation! Since 1829, when the Roman Catholic Relief Bill was granted avowedly not a safe act of justice, but as a concession to intimidation—to the Reform Bill, when Ministers of State did not think it inconsistent with their duty to receive deputations from 150,000 political unionists, when Bishops and Peers were threatened by the Prime Minister—down to Welsh riots and Chartist insurrections, redress of grievances has followed agitation, and agitation will therefore press upon the Legislature. Is not this a painful state of things? The time, I think, has now arrived, when truth should be spoken. In the midst of unprecedented wealth, this country is steeped in suffering. The great masses of the people, for whom, as Christian men, we are bound to live, are unable by honest labour to gain a subsistence for themselves and their families. By the Poor Law they have been forced to fall back upon their own resources—with what effect the increasing pauperism of the country too plainly shows. The principle of amassing wealth has been indulged in, and has gone on, and what is the result? What is now the state of the people? Every inquiry that has been forced upon us shows the urgent necessity for legislative interference; and the people wait in hope. There is scarcely a part of the labouring population, that does not call for an inquiry into its condition. The people wait patiently, in the hope that something will be done, that inquiry will not be all, and I do solemnly call upon the Government, great as the task may be, to act, and to realize as far as it is possible, the just expectations of the people. And here I cannot but express my satisfaction at the observations which fell in the early part of this debate from the noble Lord the Member for Sunderland, and which I think have been greatly misrepresented in the course of this discussion. However I may differ on political questions from that noble Lord, I cannot but admire the originality of his views, and the manifest honesty of his purposes. The organization of labour is the grand political problem of the day—and it is clear that if the present course is to be persisted in—if we are merely to let things alone—and to leave all to demand and supply—if one part of the community is to go on preserving profits, and improving machinery and to do no more—whilst another class is preserving game and improving breeds of cattle—the people meanwhile starving in the midst of plenty, the sport of capitalists and the slaves of reckless speculation, it needs no prophet to arise to foretell that such a state of things cannot last. It is because I believe that a ten hours Bill is a step in the right direction, and a remedy for a portion of the existing evils, that I support the motion of the noble Lord. I have listened with some regret to the speech of the right hon. Gentleman the Secretary of State for the Home Department, who stated, as I understood him, that he had been waited upon by a deputation of mill-owners, who represented to him, that if Her Majesty's Ministers would consent to their proposition to oppose the Amendment of the noble Lord the Member for Dorsetshire, they would withhold all opposition to the right hon. Gentleman's Bill. [Here Sir James Graham made some remark to the hon. Member, whose position was so immediately behind the seat of the right hon. Gentleman, that not a word could be heard even in the body of the House.] I should be very sorry to misrepresent anything that fell from the right hon. Gentleman; but I understood the right hon. Gentleman to express himself to that effect. Now what is asked by those who support the Amendment of the noble Lord is really very reasonable. They only ask that the day's labour of women and young persons employed in factories shall be reduced to the usual hours of labour in other parts of the country. I am at a loss to understand why it is perpetually referred to on this particular question, that the people employed in factories are under some mistake as to the object and tendency of this measure, and that they consider they are to receive as high a rate of wages for the diminished hours of labour as they receive at present. This is entirely a misstatement. In an appeal to Members of Parliament, issued by the delegates of the factory workers of Lancashire and Yorkshire, who are now in London, they state—

> "We have this morning (March 16th) carefully read over the debate, and considered Lord Ashley's speech, paragraph by paragraph, and we now affirm from our own knowledge, that every statement made to the House is substantially correct. Permit us to beg of you not to listen to the plea of a reduction of wages, which has been set up on our behalf by those who profess to be our friends. We are quite prepared to leave the question of wages to find its own level, and also to make the sacrifice—nominal as it must be for the sake of preserving the health and morals of our children and sisters. Shorter hours may produce a reduction of wages; and even if it does, we are prepared to show, that the increased domestic advantages, by which we should be enabled to take our meals at home instead of taking them to the factory, would fully compensate for the nominal reduction of wages, which it is said, a limitation of the hours of labour would produce."

There is one thing very difficult to deal with, when arguing the question as to the diminution of wages. The argument assumes a double-faced character. It is a complete "Janus Bifrons." One day the hon. Member for Manchester (Mr. M. Gibson) describes the manufacturing districts to be far happier than any other portion of the kingdom—quite an Utopia—and the next he represents them as miracles of woe, and states, that if the Legislature were to enact, that no woman or young person should work more than ten hours, it would in effect prevent all factories from working more than ten hours; and the hon. Gentleman then draws the inference; and indeed asserts, that "the effect of the noble Lord's proposition would be to stop the whole manufacturing processes of the country"—and those who support the noble Lord are represented as wishing to lower the condition of the operative. These certainly are very strong statements, and require investigation. I have looked into the Debates of the period, and I there find that just the same arguments were used, and the same prophecies uttered as to the ruin to our manufactures, when Mr. Sadler first mooted this question in Parliament. But now let the House say, whether previous restrictions on the hours of labour have operated to the injury of our trade, to such an extent as the hon. Gentleman seems to anticipate. I will quote for this purpose, a passage from a Report presented by Baron Dupin to the French Chamber of Peers in 1840.

> "The first Act of Parliament, says Monsieur Dupin, that interfered with factory labour, was in June 1802. That date was very remarkable; for it was at that very time, that in consequence of the general peace Great Britain was brought into competition with the other manufacturing countries of Europe. But England did not hesitate to step forward, even at that moment, to prevent the continuance of such excessive labour of children; and that, too, in the most considerable branches of her industry—the woollen and cotton manufactures, which from that period constituted the largest proportion of her exports. Experience has proved, says M. Dupin, that in showing herself superior to the fears, and menaces, and sophisms of a sordid cupidity, and following the dictates of humanity, England in no degree sacrificed the future prosperity of those branches of industry which she then subjected to restrictions. The increase of her exports of cottons and woollens between 1800 and 1839, in spite of the effect of the protection afforded by law to the children (mark this) has been 155 per cent., while in all the other articles, taken together, the increase has been only 11½ per cent."

It appears to me, that those who oppose the Amendment of the noble Lord, go to the extent of opposing all restrictions on labour; for it is impossible to see where the line between interference and non-interference is to be drawn. The opponents of the noble Lord maintain, that all evil is to be cured by an extension of trade—this is surely but the old cry of commercial cupidity—give—give.

> "Non missura cutem nisi plena cruoris
> hirudo."

With no corrective principle introduced, how is it possible that the extension of trade which has coincided thus far with the increased sufferings of the operatives, should prove a panacea for all the evils of which he complains? From 1814 to 1841, increase of trade and increase of suffering have been identical: one of the greatest evils of the present system is, that it works up the young, and casts out of employment the adults. The effect of the admission of children into a trade is to reduce wages. The number of children affords the best criterion of wages. This is a fact well known to the operatives, who find that according to the number of children employed in their respective trades is the amount of wages the adults receive, and in many trades care is consequently taken by the workmen to regulate by the admission of apprentices. At Sheffield, for example, in the Plated Trade, the proportion of boys to adults is 16 per cent. These men are, perhaps, the first class of operatives in the kingdom. In the Edge-tool Trade, the proportion of boys to adults 12½ per cent. Here also the men are well off and receive good wages, whereas in the Spring Knife Branch the proportion is 25 per cent.; where, except the best workmen, the men are very badly off. In the Glasgow Cotton Mills, the proportion of minors to male and female adults is 167 per cent. In the Lancashire Factories 158 per cent.; and in the Flax Manufacture the proportion is 425 per cent. There is one point with regard to the employment of agricultural labourers in the manufacturing districts, to which, as it has been adverted to by the hon. Member for Manchester, I wish briefly to call the attention of the House. It has been stated by the hon. Member, that those agricultural labourers who have migrated into the agricultural districts, are permanently employed; but I believe that the experience of the last half century will establish a very different conclusion for one of the great disadvantages of manufactures is, that they do not afford permanent employment. Take, for example, the Cotton Manufacture—now the great staple manufacture of the country; and observe its progress during the last half century. In 1788, there was a severe depression—from 1793 to 1799, the depression was such as to threaten its total destruction, again, in 1803, 1810, 1816, 1825, 1829, and in 1836, which continued up to last year. There were thus nine periods of depression in forty-eight years, lasting on the average about three years; so that in this the most prosperous branch of British manufacture, twenty-four out of forty-eight years have been periods of great privation and suffering to the operatives. The result, however, of our manufacturing system is curious. It has brought down the operatives to the lowest state of degradation and misery, whilst the Mill-owners have attained to a degree of wealth unknown in any other country in the world. I have now only to thank the House for the kindness with which they have listened to the observations which I have felt it my duty to offer; and to express my earnest hope, that a majority of this House will vote, as I find myself reluctantly compelled to do on this occasion, against the proposition of Her Majesty's Ministers, and in favour of the Amendment of the noble Lord the Member for Dorsetshire.

Mr. *Labouchere* never rose to address the House with feelings of greater pain and anxiety. It was painful to him to separate himself on this occasion from persons whose opinions he highly valued, and with whom he was accustomed to act. But it would be more painful still, conceiving the question before the House to be one of as great importance as could be discussed, and seeing the formidable opposition which had been raised against Her Majesty's Government for pursuing the same course which, whether in office or in opposition, he had himself pursued; it would, he said, be more painful still for him to shrink from giving the Government, both by his voice and by vote, all the support he could give them under the circumstances. The right hon. Gentleman, the Secretary of State for the Home Department, in the speech by which he introduced this measure, divided the subject into two very distinct portions. The first consisted of a very lengthened appeal to those who sat on the Opposition side of the House, and more especially to those who belonged to the late Government. Now, he confessed if no other argument could be offered to him than that of consistency, he would at once throw it to the winds. If more mature reflection and subsequent information convinced him that he had been wrong in the course he had formerly pursued—and he was far from denying that subsequent information had been obtained—but if these things had produced on his mind the same effect which they had produced on the mind of his right hon. Friend, the Member for Devonport, and other hon. Members, he should feel it his bounden duty not to shrink from the avowal of that change of opinion, and of acting upon it. The right hon. Gentleman (Sir James Graham), after addressing himself to the consistency of hon. Members, afterwards resorted to the arguments of the question, and he must say, that those arguments appeared to his mind so convincing, that it was impossible for him not to concede to their force. This was no new question. It had been discussed and decided in various forms and manners in the House of Commons in Committee, and commented upon by Commissioners of the highest knowledge and most competent experience on questions of this description; and they had all uniformly come to this conclusion, that they recoiled from the measure which the noble Lord, the Member for Dorsetshire, recommended. The point before the House was a very simple one, but it was as important as it was simple. It was this, whether they would take a step, nominally, by this Bill, of restricting the labour of young people and women to ten hours, but practically and really of diminishing the working of factory mills within that period. That was the question; one which had been frequently urged upon the Legislature, but which hitherto had, after mature consideration, been rejected. And after what he had heard he was not surprised that the Legislature, Commissioners and Committees, should have paused before they determined to take such a step. Some Gentlemen argued in this manner. They said, that we were not upon a new and untrodden path—that we had already sanctioned interference with factory labour, and therefore they seemed to think that we could not go on too rapidly in that direction. Now, he must confess that he drew a very different conclusion. He knew that they had entered upon a new, untrodden, and very perilous path; and it was therefore, that he wished to walk upon such a path with caution. It was not enough to ask him, whether he thought it right that a woman or young person should be employed twelve hours a day. He wished to God he could prevent it! He wished there was no necessity for such labour. He was satisfied it was not for the good of the person himself, if viewed as an isolated individual, and one separated from all other circumstances. But that was not the question. In all human affairs good and evil were mixed together; and the Legislature would act an unwise part, and be guilty of inhumanity towards those classes whose interests they were called upon to protect, if they did not take into consideration all the circumstances that were involved in this question. Some hon. Gentlemen had asked, was there such a great difference between a Ten Hours' and a Twelve Hours' Bill? You have (said they) already, by the Factories Bill, limited the working in mills to twelve hours a day; can it, therefore, be so very dangerous to limit it to ten hours? He would tell the House why he thought, in passing the Twelve Hours' Bill, they comparatively acted upon safe ground, while, in taking the course now asked for, they would be acting perilously. In 1833, it was found, practically, in well-conducted manufactories throughout the country, the people were not employed more than twelve hours a day. That being the case, and being convinced by experience, that factories could be conducted upon that principle, he was not unwilling to consent to an enactment, which so long as it did not interfere with that principle, should establish regulations with respect to the labour of children: such as working by relays, and adapting their work to a system which had never been established before. No doubt this, to a certain extent, increased the charges upon the manufacturers, but still there was no interference with the power of working their mills, if so pleased, for twelve hours a day. This, he would submit, was a very important distinction between the existing law and the proposition put forth by the noble Lord. In arguing such a question as this, they could not confine their views to this country alone. They must look abroad. It was a question not merely as it affected those engaged in the home trade, but as it also concerned those engaged in the vast manufactures that were designed for foreign trade, and who were subject at every step to severe competition with foreign manufactures. What was the case? He believed that there was no country in the world, where there existed cotton manufactures, in which the common period of labour was less than twelve hours a day. The noble Lord the Member for Dorsetshire, expressed his incredulity upon that subject. He should be glad to learn from the noble Lord whether there existed any law in any country in Europe, except in England, that prevented the mills working more than twelve hours a day, and whether, in fact, mills abroad were not worked twelve hours a day? He could mention one country, a very important country, and one of the most dangerous rivals the English manufacturers had in the cotton trade—he meant the United States of America. He would rather refer to the United States for the sake of his argument, because that was not a country where competition was so intense as to drive the population to subject themselves to an intolerable degree of labour. A very respectable Gentleman connected with the cotton manufacture in that country was asked what was the number of hours persons were employed in the mills. He answered, that the actual number of working hours averaged throughout the year at least twelve hours, in some seasons nearly fourteen hours, while in some little more than eleven hours. The House would from this perceive that they were incurring much greater danger in limiting the hours from twelve to ten than in fixing certain regulations for the work during the twelve hours. By the present proposition they would be going quite upon a new ground, and incurring a very different hazard from what they had hitherto incurred. The existing law merely regulated infant labour, taking care that there should be no cruelty to children employed in factories, and that opportunity should be afforded them to obtain education; but it left the mill owners full liberty to work the whole twelve hours. It was quite plain the effect of the proposition of the noble Lord would be a diminution of wages. No one who had any acquaintance with the manufacturing districts would undervalue that effect. The periods when distress and squalid misery pervaded the manufacturing districts were not those when men and women and children worked long hours, but when there was no employment for them. That was the time when disease was rife and when ruin abounded; and if by legislation they should produce permanent stagnation of trade and employment in this country, they would inflict more evil and misery in a week than any extra labour would inflict in the course of a year. They were told, that the manufacturers had no wish to be interfered with. They were, no doubt, much like other persons. Nobody liked to be interfered with. He was willing to admit that many apprehensions entertained and many opinions expressed by the manufacturers as to the effect of the present Factories Bill were unfounded. But that was no reason why their representations should be unattended to, if they were supported by reason and good sense. He could not regret, with the hon. Member for Kendal, that Parliament had ever undertaken to regulate factory labour. On the contrary, he was satisfied, as far as experience had shown, that Parliament had conferred a most important benefit upon labourers by enacting regulations in factories, and he believed that the manufacturers themselves were convinced that such had been the case. He also believed that the success of our legislation had been adopted as an example by other countries, and he for one could not give his assent that Parliament should turn back from the attempt to afford that protection to the infant population in the manufacturing districts which had hitherto been so successfully afforded to them. With regard to the effect of our example on other countries it was important that they should not take a hasty step on this subject. For if they took an unwise step in legislation on this matter, it was not very likely that foreign countries would adopt it. By previous legislation they only attempted to regulate labour. People congregated in masses admitted of the possibility of this, but that did not apply to other places; therefore, though successful in manufacturing districts, the same legislation would not be applicable elsewhere. But there were circumstances connected with manufacturing labour which ought to make them particularly cautious how they pushed the principle of regulation to an unwise and dangerous extent. He thought they ought to avoid the introduction of any subject upon which there might exist a difference of opinion, which might interfere with a dispassionate consideration of this important question; but there was one important subject he could not help adverting to. They had in this country established a system under various forms, and to different extents—he would not say whether wisely or unwisely—to protect different interests. But there was one interest they could not protect. It was the great manufacturing interest, which depended for its existence upon the export trade. If protection was a good, it was still a good which they could not extend to that interest. They had to struggle without protection against all foreign competition. This was a reason for acting with great caution before they interfered with that important interest. He would take the liberty of warning the House that if they passed this measure, and took this legislative step, they would have to pass many other measures, or else they would see injury and ruin follow to the interests of this country, which it would not be in their power to arrest or remedy. He would not follow the right hon. Baronet (Sir James Graham) in dwelling upon the effect which the adoption of the proposition of the noble Lord would have upon wages, profits, and the general trade and interests of the country. But he found a statement made so ably in the first Report of the Commissioners appointed to inquire into this question in 1833, that he would read a passage from it to the House. The Commissioners stated in the Factories Report of 1833, that,

> "There might, indeed, if the restriction of the hours for working in mills where machinery was used in this country was adopted to the extent proposed, be, in the first instance, a rise in prices caused by a scarcity of manufactures, but that rise could not, in the nature of things, be of long duration. This temporary rise of price, combined with the competition with foreign manufactures, would necessarily produce extension of existing works and require new ones to be built. This increase of works, stimulated by an advance of price, would destroy the proportion of supply and demand, and the consequence would then be most disastrous to the manufacturers and their workmen. These events would be different in different descriptions of manufacture, but the ultimate result to all would be a great reduction of profits and wages."

This short statement contained the whole of the case, which he would not weaken by any arguments of his own. He knew that those who took the course he was now pursuing were open to the charge that they did not act upon their own principles. He avowed it. He avowed that he had sanctioned interference with labour contrary to general and abstract principles under certain circumstances. Cases might be brought before them of so shocking a nature, and so outrageous to the feelings of humanity, that he would listen to any argument for affording a remedy. Nay, he would rather, in such cases, act from impulse than from reason. With that view he supported his noble Friend, the Mover of the present Amendment, the year before last when his noble friend proposed to prevent women being employed in mines. But while legislating in that direction, it behoved them to do so with the greatest caution; for in every step they took, there was the greatest danger that, with the best intentions, they might inflict the severest blow on the manufactures, trade, and prosperity of the country. Upon these grounds he was prepared to take the same course now that he had taken on a former occasion, and offer every opposition to the Motion of his noble Friend. He confessed that the arguments used by hon. Gentlemen in support of the Amendment had not been urged in so confident a tone, or with such clearness of view, or with so positive an assurance that in their judgment the greatest evils would not follow the adoption of the proposition of his noble Friend, as to relieve his mind from all anxiety as to the consequences of that course of procedure. Upon these grounds he must abstain from taking any share in the responsibility of supporting such a proposition, while he was quite prepared to submit to any degree of unpopularity in giving his opposition to it. He did it with pain, because he admitted many of the evils that had been set forth by his noble Friend, and to which he would be glad to apply a remedy if it could be done without the risk of incurring greater mischiefs in their stead.

Mr. *Colquhoun* said, the objections of the right hon. Gentleman, accompanied, as they had been, with such arguments as he had advanced, were sufficient undoubtedly to make one hesitate before differing from the conclusion which the right hon. Gentleman came to, especially when supported by so high an authority as that of the right hon. Baronet the Secretary of State for the Home Department. But yet he could not help calling the attention of the Committee to an argument which fell from his right hon. Friend, when he stated that a blow was about to be struck at the manufactures of this country, if the proposition of the noble Lord should be carried; a blow which he described would take effect in two ways—first, by affecting the profits of the manufacturers, and, secondly, by reducing the wages of the labourer. Now, it was a remarkable circumstance, that, upon a question pregnant with so much danger to themselves, a great body of master manufacturers should have given their support to the proposition of his noble Friend. It must be admitted that the manufacturers were competent to understand their own interest, and yet they deliberately declared that they were anxious to support a reduction of two hours' labour daily in their factories. His right hon. Friend (Sir J. Graham) had said, that this representation came from the manufacturers of the coarser and plain description of woollen goods, but not from the manufacturers of the finer sort of fabrics of worsted and cotton. He assured his right hon. Friend that, amongst the 300 manufacturers there were at least 100 (and he had heard the number stated as high as 150), who were engaged in the finer woollen fabrics, requiring the more costly machinery, who had petitioned for a ten hours' Bill. He had asked the hon. Member for Frome, where the most expensive clothes were manufactured, what was the case in the town which he represented, and with which his family was connected? The answer was—"We have all along restricted our labour to ten hours, without injury to the capitalist, without suffering to the labourer, and with benefit to both." These practical facts he put in contradiction to the distinction drawn by his right hon. Friend. It would be presumptuous to attempt to follow minutely the deliberate calculations of his right hon. Friend; but it deserved remark that they were founded upon the authority of one of the factory inspectors. Now he had consulted another factory inspector of equal ability and means of judging, and he found that that gentleman considered the calculations of his colleague entirely erroneous. Therefore, if the object were to frighten the Committee, by such calculations, from the Amendment before the House, he would venture to re-assure the Committee in its confidence, and, upon data quite as sound and satisfactory, contend that the anticipated results would not follow. Another point pressed by his right hon. Friend, with his usual weight, was, that the loss felt in the first instance by the capitalist would ere long fall upon the labourer. Upon this point he (Mr. Colquhoun) begged to direct the attention of hon. Members to the opinion of a practical manufacturer of Bradford, a district where the woollen trade was carried on to a great extent, and in the finer fabrics. This opinion was contained in a letter addressed to the hon. Member for Leeds; and so far from expecting that the abatement, if this Amendment were carried, would amount to 25 per cent., he had arrived at the conclusion, upon the most deliberate and well-informed calculations, that it would not be more than 2 per cent. But whatever that abatement might really amount to, it was quite clear that the operatives of Lancashire and Yorkshire had calmly and attentively considered it, and they said that they were willing to accept a smaller annual income, on condition that they were relieved from an excess of toil which deprived them and their families of the bloom, vivacity, and vigour of youth. They preferred 75*l.* or 79*l.* a year instead of 89*l.* or 93*l.*, according to some hon. Members, because, with the lesser sum, they would be allowed some hours of reasonable rest and enjoyment. Was the House then prepared to say, "We will condemn these men, women, and children to a degree of labour exceeding their strength, for the sake of an income exceeding their wants?" If the operatives were willing to forego some of their comforts—to relinquish some of their simple luxuries, in order to avoid paleness in their children and premature age in themselves, was it for Parliament to assert that they should not be permitted to exercise a discretion—should not be allowed to relax from toil, but should be compelled to earn wages they did not demand? The interests of the operatives were linked with the fortunes and prosperity of England. He frankly confessed that in 1833 he had voted against the noble Lord; but after the experience of ten years, after the corroboration which the statements of the noble Lord had since received from Mr. Horner and others, he was prepared to say that the arguments of the right hon. Secretary for the Home Department were not sound, and that our manufactures and commerce by a ten hours Bill would not be exposed to danger. If, after ten years' experience, Ministers laid upon the table such a Bill as that now under consideration, it seemed to him (Mr. Colquhoun) to afford a conclusive argument in favour of the Amendment of the noble Lord. The Bill fixed that the labour of females and children be limited to twelve hours; but in 1833 they shrunk even from that limitation, and yet it had been found that it might be adopted without danger to the operative, the manufacturer, or the trade of the Empire. When, according to the clearest evidence and to the analogy of other employments, ten hours' toil was fixed as the utmost of which human strength was capable, it required more than the baseless calculations of his right hon. Friend to show that an Amendment with that object ought to be rejected. He was satisfied that a result so necessary to humanity, peace, and social well-being would be attained by the Amendment, and for that reason he would vote in its favour.

Mr. *Fielden* said, the speakers opposed to the proposal of his noble Friend (Lord Ashley), to substitute six for eight in the clause under discussion, had all uttered the old story, that ruin would succeed to our commerce and manufactures if the reduction of the hours of labour from twelve to ten per day in factories were enacted, that was, if the hours of work in factories were made conformable to the hours worked in most other branches of employment. He denied that any such consequences would follow such a step; nay, he went further, and maintained that the manufactures of the country would be rather suspended and those engaged in them ruined by a continuance of twelve hours' labour per day, than by a reduction of the hours to ten. He went further still, and would say that eight hours would be more preservative than ten, and that the factory system of employment would not be what the steam-engine ought to make it, if it was to benefit mankind, until its use, where masses of human beings had to accompany its motions, was restrained to eight hours a-day. The speakers opposed to his noble Friend's Amendment all expressed their sympathy for the hard lot of the factory workers, but said, there was no help for them; that their condition would be worse if their prayers for shorter hours of work were conceded. The cry of ruin to manufactures and commerce had always been raised when it was proposed to abridge this slavery; and yet though it had been abridged, manufactures and commerce had flourished under the abridgement, if increase of production, increase of commerce, and increase of mills and machinery are its indications. All the efforts to curtail the hours of labour in factories had been met by this cry, and all had been falsified by experience. In the case before the Committee an act of humanity and of justice was sought to be obtained for the factory worker, and the objection to it, in his opinion, was dictated more by love of mammon than of mercy or sound policy. The hon. Member for Manchester had said that the master manufacturers of that town, and the most intelligent of the factory-workers were opposed to any restriction of the hours of labour below twelve per day. Was that so? He had great confidence in the working men, and he had in his hand a copy of a petition presented to that House last July by thirty two delegates, which he would read to the Committee. It was—

> "The petition of the Lancashire Factory Operatives, in delegate meeting assembled, humbly showeth, that your Petitioners, to the number of thirty-two, have met as delegates from the various factory districts within thirty miles of Manchester, to consider the provisions of the Factory Bill now before your honourable House. That your Petitioners submit to your honourable House that no Bill for the regulation of mills and factories will

be efficient which does not prohibit all persons under twenty-one years of age from being worked more than ten hours in any one day, for five days in the week, and eight hours on the Saturday; and as it is desirable that an immediate abridgement of the hours of labour should be adopted, your Petitioners will not offer any resistance to any measure which provides for a reduction of the hours of labour. Your Petitioners humbly submit to your honourable House that they are resolved never to relax in their exertions until a ten hours' bill becomes the law of the land. That your Petitioners also submit to your honourable House, that as no child should be allowed to work in any such mill or factory until it has completed its tenth year, that your Petitioners implore your honourable House not to pass any law which would encourage or establish the working of relays of children against the adult workers in factories. Your Petitioners, therefore, pray your honourable House to pass such a Bill with as little delay as possible, and your Petitioners will ever pray.

"Signed, on behalf of the Meeting,

"Thomas Pitt, *Chairman.*"

That petition spoke for itself, it contradicted the assertion of the hon. Member for Manchester, as to the feeling of the factory workers, and he (Mr. Fielden) believed that it embodied the sentiments of the greater part of the working people in factories. The hon. Gentleman considered the commercial part of the question, which his noble Friend (Lord Ashley) did not go into, to be the most important part of it, and he referred to Mr. Senior and others, who went down to Manchester in 1836, and who, in March, 1837, wrote to Mr. Poulett Thomson, to the effect that if the hours were reduced by one per day, the net profits would be destroyed, and if by one hour-and-a-half the gross profit would be destroyed; but the hon. Gentleman omitted to tell the Committee that Mr. Senior had qualified his assertion; that he said, "If, therefore —prices remaining the same — the factory could be kept at work thirteen hours instead of eleven, by an addition of about 2,600*l.* to the circulating capital, the net profits would be more than doubled. On the other hand, if the hours of working were reduced by one hour per day—prices remaining the same — profits would be destroyed." The Committee and the hon. Gentleman must see that Mr. Senior's conclusions were all based on the supposition of prices remaining the same, and that, if prices did not remain the same, his conclusions were good for nothing. Without attempting to prove that prices would remain the same, the hon. Gentleman concluded that the longer hours system was, on Mr. Senior's authority, essential to gaining any profit, gaining profit was essential to the existence of manufactures, and that the existence of manufactures was essential to enable the manufacturing population to gain their bread—conclusions that were incorrect unless it be true that prices would remain the same. But the hon. Member ought to have seen the incorrectness of these conclusions, for he said that, if the ten hours instead of the twelve hours was enacted, the production of manufactures would be diminished 20 per cent. He denied that they would be diminished by anything like that extent; but suppose they were diminished one-fifth, that is, suppose there were one-fifth less of goods manufactured, then, if there be any truth in the position so often maintained by the hon. Gentleman himself, and so often heard in Parliament, that prices depend on supply and demand, prices would rise; and, if the supply of goods, when lessened by one-fifth, was not adequate to the demand, manufacturing establishments would be increased, more people would be employed, and the demand for them would be greater. This would cause a rise in their wages, and increase their powers of consumption. As to the feeling of the master-manufacturers in regard to a ten hours' Bill, he received last year seven petitions from master spinners and manufacturers of Manchester, Oldham, Rochdale, Todmorden, Huddersfield, and their vicinities, alleging the importance and necessity of a ten hours' Bill, and praying the House to pass one limiting the labour of all between the ages of thirteen and twenty-one to ten hours a day for five days in a week, and eight hours on Saturdays. These petitions contained one hundred and ninety signatures, many of them being men whom he knew, and also knew were amongst the largest consumers of cotton in the kingdom. They anticipated no evil consequence resulting from such a measure, but, on the contrary, declared it to be their decided opinion that it would confer a great benefit not only on the working classes, but also on their employers and on the public; and amongst the names to these petitions was that of Mr. Jacob Bright, the father of the hon. Member for Durham, and of his brother, Mr. Thomas Bright. That the feeling in favour of a ten hours' Bill was rapidly on the increase he had no doubt. There was no "bit of a Parliament" now in Palace-yard, as in 1833, to oppose such a measure, therefore, those formerly opposed to it were at least quiescent, and the number of those in favour of it was increasing and was speaking out. He (Mr. Fielden) would call the attention of the Committee to a few extracts from a little pamphlet sent to him on the subject, entitled "Inventions and Hours of Labour," by William Kenworthy, dated Brookhouse-mills, Blackburn, Nov. 19, 1842. Mr. Kenworthy was partner with Mr. Hornby, of Blackburn, a brother of the hon. Member for that borough, in a cotton-spinning establishment, where, he believed, about 1,500 hands were employed. He was a practical man, and his opinions were entitled to great weight. Mr. Kenworthy said:—

"Englishmen are proverbially industrious; they cannot live in a state of idleness; yet occupation is wanted by a great number of hands who are willing and able to work; and this state of things exists, too, in the face of the lamentations of suffering thousands, who cry out, with all their voice, for relief and relaxation from excessive and too greatly prolonged labour in the noxious and contaminating atmosphere of our manufactories. The question has oftentimes been asked, What is to be the antidote to the evils of invention?' The answer is plain and self-evident, viz., give shorter hours of labour to those at present employed, and we should then soon be enabled to find work for those who are idle. It may be said that shorter hours would necessarily increase the cost of the manufactured articles (the net weekly wages remaining as at present), and that thereby we should not be able to compete with foreigners. Let us not entertain such puerile notions; but let us rather fairly discuss and investigate the subject. The question will have naturally arisen—are the work-people to receive the same wages for ten-and-a-half hours labour per day as for twelve? To this we may reply, that the price of labour like all other commodities, is regulated by the supply and demand; and therefore labour, it may be said, will regulate itself; and, as shorter time will employ more hands, there is no reason to suppose that the price of labour would be lower. Let us suppose that, under the regulation which I now suggest, wages should remain as they now are, that is, that the same net amount of wages be paid for sixty hours as for sixty nine; and let us then ascertain the difference which would be made in spinning a pound of yarn, or in manufacturing a piece of calico. The cost of spinning a pound of cotton into yarn is now reduced to an almost incredibly low rate. Thirty-six's may be said to constitute the principal count for manufacturing shirting, printing cloths, &c., in this country; and it is well known that the cost of carding, preparing, roving, and spinning this count, including all wages, is reduced to about 1¼d. per pound. The expense, interest, of capital, wear and tear, depreciation of machinery, &c., will amount to the same sum, making the net cost of spinning 36's amount to the enormous sum of 2½*d.*! Many old concerns may not be able to spin at so low a rate; but, if we affix the amount at 3*d.*, it will be within the reach of all. Therefore, if this be the rate of cost for 69 hours' labour and wages, interest, wear and tear, &c., are to remain the same for 60 hours as for 69, the cost must necessarily be increased in the same ratio that time is diminished; that is, the cost will be increased from 60 to 69—say 1-6th more. But the amount of wear and tear, oil, gas, &c., will be lessened in the same proportion. Taking these circumstances into consideration, we may safely assume that ⅜*d.* per lb. will amply suffice for the difference in the cost caused by the adoption of short time. Again, a piece of good 9-8 66 36 inch cloth, of 25 yards, can be manufactured for 20*d.*, including all wages, interest, wear and tear, depreciation, &c.; and, if the amount of wages and expenses is to remain the same under the system of working shorter time, we must add 1-16th, or say 3½*d.*, to the cost: but, as before, the cost of power, oil, gas, wear and tear, &c., will be proportionably lessened; so that, if we say 3*d.* per piece more, we shall find it fully adequate to cover the increased cost of manufacture. Now, the cost of the yarn, as previously shown, would be ⅜*d.* per lb. more than at present; and, as this description of cloth requires about 5lb. of yarn to the piece, the whole increase of cost would therefore be—on 5lb. of yarn, at ⅜*d.*, 1⅞*d.*; on 25 yards of cloth at 3*d.*, 4⅞*d.* Let us, however, assume 5*d.* as the increased cost on the manufacture of 25 yards of cloth, which is less than ¼*d.* per yard. Therefore, the difference of ⅜*d.* per lb. on yarn, or ¼*d.* per yard on cloth, is the mighty difficulty that we have to overcome, in order to afford to our factory hands that respite from physical toil which is so imperatively demanded, and to save our country from ruin by foreign competition! How abominably absurd and inconsistent it is that the suffering thousands, who have so often called and patiently waited for the redress of their grievances, should have their miseries protracted under the delusive notion of the dangers arising from foreign competition! Are we so near ruin, that an advance of one farthing per yard on our cotton cloth would irrevocably seal our fate? If so, how important an element of national prosperity, is the labour of these poor people! How praiseworthy is their exemplary patience under their complicated sufferings! But we are all conscious of, and daily experience, fluctuations in our cotton and cloth markets; and these often make a much greater difference in the cost of goods than that to which we have already adverted, as consequent upon a reduction in the period of labour. These fluctuations may be caused by speculations—by fabulous reports respecting the cotton crops—and by many other combinations of circumstances; still, not a word is said about being ruined by foreign competition on these accounts."

To effect this object, Mr. Kenworthy says this:—

> "To master cotton spinners, manufacturers, and millowners in general.
>
> "As a commencement, let us unite, and with one voice, pray the Legislature for an Act fixing the maximum period of labour in our establishments at 60 hours per week, or at ten hours and a half per day from Monday to Friday inclusive, and seven hours and a half on the Saturday. By such an enactment those now unemployed would be placed in a position to procure an honourable and comfortable livelihood—cheerfulness and contentment would be restored to the domestic hearth—and with the enjoyment of an extended system of religious and secular instruction, a decided moral and intellectual improvement would be soon manifested in every manufacturing town throughout the land."

He thought he had now shown that the feeling of the masters and of the workmen was not faithfully described by the hon. Member for Manchester, and that a great many of those masters, with the writer of that pamphlet and himself, had no fear of the evil consequence of doing an act of humanity, which purely individual interest should not be allowed to frustrate. As for the hon. Member for Durham, nearly the whole of his speech consisted of what he thought an attack on his noble Friend (Lord Ashley), and the other parts of his speech, if they proved anything, went to show, that the comforts of those engaged in the cotton manufacture were such, that if a ten hours' Bill be conceded, and a reduction in the wages followed equal to the reduction in the hours of work, they would not be subjected to any hardship thereby, for he stated that their style of comfort was higher than that of any other class of work-people—that they were the highest paid. The hon. Member for Durham had stated, that the noble Lord (Lord Ashley) was completely deluded with respect to the state of the manufacturing districts, and that he took a one-sided view of the question, a view not borne out by the Reports of the Factory Inspectors. He was convinced that his noble Friend was not deluded, and he would take an instance to show that the delusion was on the side of the hon. Member for Durham, according to the showing of a Factory Inspector. Speaking of accidents that occurred in factories, the hon. Member attempted to impress upon the House a belief that five times as many occurred to carters as occurred by the machinery in mills, and amongst others, he alluded to the district of Stockport. In the Factory Commission which sat in 1840, the subject of accidents at Stockport was inquired into, and Mr. Trimmer, Sub-Inspector of Factories under Mr. Howell, in answer to a question on the matter, said:—

> "I can give a return from the Stockport Infirmary. I have taken some pains in collecting for the last three years from the books of the Stockport Infirmary the number of factory accidents. The number of accidents from March, 1837, to March, 1838, in Stockport, was 120; from 1838 to 1839, 134; from March, 1839, to February, 1840, 86 accidents; out of which 36 were owing to their being caught, whilst cleaning the machinery, the machinery being in motion at the time. In the report of the Stockport Infirmary for the last year, there is the following passage:—'The Committee cannot conclude their report without stating a fact which has painfully impressed their minds during the past year; they refer to the manner in which accidents generally occur in our cotton-mills. Almost all the accidents that have come under the notice of the Committee, have happened in consequence of the cleaning of machinery while it is in motion. It is earnestly hoped, that the owners and managers of our manufactories will adopt effectual means for the discontinuance of so dangerous a practice.' The practice has not been discontinued, because in the following year, when the cotton-trade was very bad, there were thirty-six accidents in Stockport, owing to cleaning machinery while in motion."

Mr. Trimmer was asked if he could give information of the character of the accidents? His answer was,—

> "In some instances they have thrown the people wholly out of employment. They have lost their limbs, or their hands. In cases of childen they have lost two or three fingers."

He was asked,—

> "Are you aware of any accidents of the kind in which the millowner has maintained the person, and endeavoured to make every reparation in his power?"

His answer was,—

> "I have heard of cases where they have given them a little money to buy a horse to go about with sand." "Have they also, during their illness, allowed them part of their wages?"—In one instance where a girl was caught by the hair, and scalped from the nose to the back of the head, the manufacturer gave her 5*l*. She died in the workhouse." "Don't you think that little children are exposed to a very great hazard,

particularly female children with their flowing garments, in going round from one part of the mill to another?"—I think they are. There was a case occurred very recently at Stockport, where a girl was carried by her clothing round an upright shaft. Her thighs were broken, her ancle dislocated, and she will be a cripple for life."

He was asked,—

"What do you think would have been the cost of boxing off that shaft?"

His answer is,—

"A few shillings." "Would that have acted as an impediment to the due working of the machinery?"—"No."

Thus he had shown, that the hon. Member for Durham himself was deluded, at any rate so far as regarded Stockport. The right hon. Baronet (Sir J. Graham) had told the Committee that he would give his decided opposition to the proposition of the noble Lord, not on the ground that the noble Lord asked for anything unreasonable, for the right hon. Gentleman declared that his feelings were with the noble Lord; but (and it surprised him to hear it) because the noble Lord's proposition would lay the axe to the root of the tree of the commercial greatness of this country; that to restrict the labour of females and young persons in factories to ten hours in the day would destroy the commerce of this great and civilised country. He was ashamed to hear this declaration from an English Minister of the Crown. He almost wished the declaration might not pass beyond those walls. Was it come to this? Did the greatness of England depend on suffering a continuance of the misery, cruelty, and depravity that the noble Lord had laid bare to the House in that debate? If so, he wondered the right hon. Gentleman could talk of the civilization or the greatness of our country. Surely the picture that the noble Lord had drawn was a picture of barbarism and decay. But the right hon. Baronet was much mistaken. He could assure him that no such consequences as he anticipated could result from acceding to the noble Lord's proposal. He had looked into the commercial and manufacturing results of the Acts to abridge factory labour step by step; and he found that increase of manufacture and commerce had always followed restriction, though that restriction had always met with the same opposition in the same terms as the present proposal. He would give figures to prove it. In 1819, when the labour of children in factories was reduced by Sir Robert Peel's Act to seventy-two hours a-week, the consumption of cotton was 109,000,000 lbs. In 1831, when the hours were reduced to sixty-nine hours a week, the consumption of cotton was 262,000,000lbs. In 1833, when the labour of children under thirteen was reduced to forty-eight hours a week, the consumption of cotton was 287,000,000lbs. In 1840, the consumption of cotton had increased to 458,000,000 lbs.; and, in the last year, the consumption had increased still more. The increase of power for turning machinery between 1835 and 1841 was 53½ per cent.; and the increase in the number of hands employed in the same period was 21 per cent. Those facts spoke for themselves, and they proved that the right hon. Baronet's argument was untenable. The right hon. Baronet had referred to a statement of his relative as to the distance travelled in twelve hours by male piecers, and he rebuked the noble Lord for having named thirty-seven miles, the calculation of a mathematician; but his noble Friend had given the extremes of that calculation, and had contended for the average. He (Mr. Fielden) had examined the matter for himself, and had been satisfied that the distance he named was correct, that was twenty miles in the twelve hours. This he still maintained, though Mr. Greg had arrived at a different result, as was said by the hon. Member for Manchester. The distance was one mile and two-thirds per hour, and a common observer, seeing one of the piecers at work, would not think he travelled a less distance in twelve hours; but was not the bare fact of their being on their legs for that period daily enough to convince any one that their labour was irksome and excessive? The right hon. Baronet had told the House, on a former occasion, that we owed an eternal debt of gratitude to the working people, and even on that occasion he said, that he reluctantly opposed the Amendment. His decided opposition to that humane proposal was a singular method of showing his gratitude. He (Mr. Fielden) trusted that the House would not be influenced by the right hon. Baronet's example, but that they would imitate the noble Lord, the Member for South Lancashire (Lord F. Egerton), the noble Lord, the Member for Liverpool (Lord Sandon), the noble Lord, the Member for Sutherland (Lord Howick), to all of whom he (Mr. Fielden) returned his sincere thanks for the support they had given to his noble Friend, whose steady perseverance in trying to lessen the hours of toil endured in factories entitled him to the thanks of his country, and he had great pleasure in supporting the Amendment.

Sir *R. Peel:* I think the Committee will be disposed to give credit to Her Majesty's Government for the motives which have induced them to adhere to the proposition of my right hon. Friend, and to offer their decided opposition to the proposition of my noble Friend. Of any personal interest in so doing, I apprehend that we shall not be accused, and with respect to party interests, if we wished to consult those interests we should have taken a different course. It is impossible not to feel that we are on this question allied to those who have generally offered to us upon principle the most decided opposition, and that we are opposed on the other hand, to those who have given the present Government a general and almost unvaryingsupport. But there are occasions when it is the duty of a Government at all hazards to oppose measures which it believes to be inconsistent with the permanent interests of the country. It is the first duty of a Government to overcome the temptation of obtaining temporary party support, and of conciliating party favour by acquiescing in a proposition which it conscientiously believes to be injurious to the permanent interests of the country. And influenced by that motive, and by that motive alone, we now discharge the duty of the Executive Government, and oppose ourselves to the wishes of men whom we highly respect; but whose wishes we believe would, if complied with, be highly injurious to those by whom this measure is urged, and for whose benefit it is intended. There are, or at least there were, until the hon. Gentleman (Mr. Fielden) spoke, only two propositions before the Committee—namely, the proposition made by Her Majesty's Government, which imposes restrictions upon the labour of children, which gives new facilities for education to those who have not the power of protecting themselves, and which also arrests the evil, where we find it, of the employment of female labour, prohibiting their employment in factories for more than twelve hours a day, but which imposes no restrictions whatever upon that which is the practical rule as to the employment of adults—granting twelve hours a day to be the rule as regards adults—that is in no respect interfered with by our proposition for preventing the extension of the evil, by preventing women being employed more than twelve hours a day. The counter proposition is, that we shall impose restrictions, nominally and theoretically, upon the labour of females and children, but practically and universally, that we shall prevent the labour of male adults, even with their own consent, for a longer period than ten hours. ["Oh, oh!"] The hon. Member who spoke last says, that proposition rests with no principle of humanity. I admit, in some respects, that the debate does not turn upon principle. We admit by our proposition the policy of restricting female labour, and of giving facilities to the education of children. But we do not interfere with adult labour. My noble Friend proposes to interfere with adult labour, but he by no means carries his interference so far as the hon. Gentleman opposite. The hon. Gentleman says there is no reason for ten hours; eight hours is a period which we ought to fix upon for the labour of adults and children, and therefore, there would be nothing to prevent hon. Gentlemen, if the ten hours' labour bill failed, from agitating for eight. The hon. Gentleman is a great authority on the question — he is practically acquainted with labour, and he says the time ought to be eight hours instead of ten. The day, he says, is divided by philosophers into three periods—eight hours for labour, eight hours for recreation, and eight hours for sleep; and he would have us carry out by our laws that division of the day. If the hon. Gentleman be right he would leave ample time for the mother to attend to her domestic duties, and so far he has some argument in favour of his restriction, besides that natural one arising from the division of the day. The hon. Gentleman thinks that no good will be effected for the labourer, in consequence of the rapid improvements in machinery, unless eight hours be the time adopted in this Bill. But I do not think it necessary that I should now discuss the proposal of the hon. Gentleman; and it will be my duty to argue between the proposal for ten hours and the proposal for twelve hours. Let us first, then, consider to what extent the restriction of the noble Lord is to apply. The proposal of the noble Lord is, to apply to all labour in cotton, in wool, in worsted, in flax, and in silk. Now, the fact is, that at present, and for the last forty years, whenever there has been a demand for those articles, the time of labour has been sixty-nine hours a week. That is now the number of working hours in almost all factories, with the exception of certain branches of the woollen manufacture. [Mr. *Hindley;* The time does not exceed sixty-nine hours.] That is what I have said. The time is now sixty-nine hours by the law; and I believe that the universal practice is to work sixty-nine hours a week in the cotton manufactures, worsted manufactures, flax and silk manufactures. There are, however, I believe, some woollen manufactures in which the work is continued for a lesser number of hours; and I have reason to think that the same thing occasionally occurs in certain silk manufactures. But the general practice is to work sixty-nine hours a-week; that is to say, twelve hours on the first five days, and nine hours only on Saturdays. My noble Friend does not wish to alter the present arrangement with respect to Saturdays. But he proposes that there should be two hours less of labour on each of the other days, or ten hours less in the week; so that we should have fifty-nine hours instead of sixty-nine hours a-week of labour in those great branches of our manufactures, the cotton, the woollen, the linen, and the flax trades. I have seen the last returns of our foreign trade, which show the declared value of the principal articles of British produce and manufacture exported in the last year; and, if I recollect rightly, the value was about 44,000,000*l.* for the principle articles. And what proportion do you suppose that the value of the articles you are now about to deal with bears to the whole amount of 44,000,000*l.* The value of your cotton manufacture, including yarns, amounts to 23,500,000*l.*; the value of your linen manufactures amounts to 3,700,000*l.*; the value of your silk manufactures amounts to about 664,000*l.*; and the value of your woollen manufactures amounts to about 7,500,000*l.*; making a total of 35,000,000*l.* out of the 44,000,000*l.* of British manufactures exported, or five-sixths of the whole. So that by the proposal of my noble Friend, five-sixths of the exported manufactures of this country will be subjected to a new law, which is to provide that it shall not be legal to labour at them for more than fifty-nine hours, instead of sixty-nine hours, a week. Now, to what extent would that proposal go? There are about 304 to 306 working days in the year; but I shall take the number at 300, in order to facilitate the calculation which I am about to make. The Saturday is to remain untouched, so that the proposal of my noble Friend would extend to 250 days a year, which, at the rate of two hours a day, would make 500 hours a year, which my noble Friend would take from the time now devoted to manufacturing labour. Those 500 hours would be equivalent to seven weeks; and the result of the proposal would therefore be, that in all cotton, linen, silk, and woollen factories, there would be seven weeks a year less labour than at present. In point of time that is the effect. Your manufacturers, in their several branches exporting 35,000,000*l.* out of 44,000,000*l.* a year, are to enter under your new law into a competition with foreign manufacturers, and you are to enforce upon them the necessity of working seven weeks less in the year than at present. And what says the hon. Gentleman, the Member for Oldham? He says, that by the Act which we passed last Session for permitting the export of machinery we gave additional advantages to our foreign rivals in competing with our manufacturers. The hon. Gentleman has told us that our machinery is now exported, and that our mechanics and artizans are going abroad. Those are advantages which our foreign competitors possess. The hon. Gentleman does not propose to repeal the Act which permitted the exportation of our machinery. [Mr. *Hindley*: I objected to that Act.] You objected to it; and you are a great authority, I dare say, but there is a majority of both Houses of Parliament in favour of the Act, and it will be no consolation to the manufacturers who suffer from this competition, to be told that the hon. Gentleman is opposed to the exportation of machinery, unless he can prevail on Parliament to alter the law. The hon. Gentleman says that the wages of workmen would not be less if the hours of labour were limited, because there would be a rise in the price of manufactured articles. Why that certainly would be the natural consequence of restricting the hours of labour and reducing the quantity produced. The amount of manufactured produce would be diminished, prices would rise, and the manufacturers would it is supposed be able to give the same rate of wages. But how long would that be the case? By the system which it is proposed that we should pursue, we should give the foreign manufacturer an evident advantage. His material will not be increased in price, and he will come into competition with you, having all the advantages of your machinery when you have raised the price of your manufactures; he will take advantage of that, and you will suffer in the neutral markets, without the power of compensating yourselves for that increased cost. Suppose the cost of the articles is increased—suppose the establishments are extended—how long does the hon. Gentleman think the master manufacturers—the owners of the existing establishments, will be enabled to give the same rate of wages to their workmen? The rise of price may induce new competition, but when that new competition has come into existence, in one or two years, does the hon. Member think the masters will continue to give increased wages? The hon. Gentleman says the manufacturers will be inclined to take advantage of circumstances, and reduce wages to the lowest point. I am not of that opinion. But do you think that they will not try to maintain their profits at the expence of the workman? Is it possible that under your new enactment for ten hours labour, the same rate of wages should be given as with a twelve hours' Bill? You do not give the same equivalent. Twelve hours' labour have a certain value, and you say the workman shall not have the option of giving more than ten hours. Would it not, then, be repugnant to common sense to suppose—speaking comprehensively—after the lapse of a few months, there being this competition, and the profits on account of foreign rivalry being extremely small, that the master manufacturer will not struggle for the maintenance of his profits, and try to obtain compensation for reduced time of labour, by falling on the workman? Depend upon it, it must be so. The sufferers in this case must be the workmen, who have to give a less amount of the commodity which is that in which they traffic—namely, their labour, than they gave before. If I could think that this would add to the comforts of the workmen, I should be disposed, I think, to relax the strict rules of political economy; but when I heard, the other night, the account which the hon. Member for Durham gave of the position of the workmen with whom he is connected—when he stated—and I presume he would not state facts, which if not perfectly true would be so easily capable of contradiction—when I heard him giving instances of workmen earning 91*l.* a year in the enjoyment of comforts—who, he said, he feared to ask whether they received parish relief, because it would have been an insult—when I hear that such is the position of the working masses in this country, I must pause before I give my consent to a measure which is to have the effect of mulcting them of a great part of the wages which they now receive. It is said that we are not to take foreign competition into account. I am told that this is not to be viewed as a commercial question. I am told that it is a question between mammon and mercy. I am to disregard the effect which legislation will have upon the commerce of this country, Why, Sir, if I could separate the two considerations—if the alternative were offered to me of pecuniary gain on the one hand, and the comfort and welfare of the labourer on the other, I should at once decide for the latter; but when we look to the commerce of this country, and the interests bound up with it, it is my duty as a legislator to take that commerce into consideration. Look at the amount of capital expended on the faith of existing laws in cotton manufactures alone—the thousands and tens of thousands congregated together and dependent on them for their support; and look at the consequences which must ensue to these people—not from severe labour, but from the depression of manufacturing prosperity, from the absence of demand for labour. I never shall forget as long I live the situation of Paisley in 1841 and 1842, with 15,000 or 16,000 men out of employ, offering their labour without the means of obtaining an equivalent for it, and depending on charity for support. Did I not see that with a depressed commerce there is an addition to the material sufferings of the people of this country infinitely greater than could be produced by twelve, thirteen, or fourteen hours of the severest labour? I do not underrate the effects of exacting a great amount of labour and if my wishes could prevail I would have women employed in labour only eight hours a day. The question, however, does not depend on our wishes and feelings of humanity. It is an entirely different question what I wish and what it is desirable to attempt to effect by means of peremptory enactments. Therefore, when I say I must consider the commercial view of the subject, it is not by placing the commercial gain in contrast with the comforts of the people; but I say that hundreds and thousands are dependent for food upon the prosperity of our commerce, and if any particular measure tends to increase foreign competition and to strike a blow at the permanent prosperity of these great branches of industry, I shall rue, when it is too late, the injury I shall have inflicted upon the working classes of this country by assenting to it. Therefore I repeat that it is utterly impossible I should disregard commerce, and consider humanity and morality alone. It is said, that those who advocate ten hours a day ask only to establish in these great branches of manufacture an equilibrium of labour, similar to that in other branches of employment, where, it is said, ten hours a day is the number. That is the truth with respect to some branches of agricultural labour. At some periods of the year, women certainly do not work in the field more than ten hours; but I think that depends rather on the circumstance that that particular kind of labour cannot be carried on at night, than on any forbearance on the part of employers; because, during the hay and corn harvest more than ten hours' labour are exacted. Should we be content with a law which prescribed ten hours as the period of agricultural labour at all times of the year, in spring and in harvest time? I apprehend such a law would be deemed a severe restriction on agricultural labour; see what would be the effect of such a restriction on cotton spinners. For four years there has been great depression in that trade, the millowner, however, partly from a sense of his own interest hereafter, and partly from humanity has continued his mill at work by which he has been losing money. It is necessary that he should do so or his machinery would get out of repair. He submits to the loss partly in order to give employment to those in his immediate neighbourhood, and partly in the hope that better times will return. A demand for labour follows, with it an opportunity for the master and the man to make up their losses; but your law interposes, you say "when there is a period of depression, I expect you to continue your machinery at work, although it may be unproductive of profit—pay low wages, just sufficient to support life and keep the labourer from starvation—but when a demand for labour arrives, I will make it impossible either for master or man to make up for lost time, or go beyond a certain amount of profit which my law fixes." I doubt the justice of such an enactment; I doubt whether it is for the advantage of the manufacturer, and I am sure it is not for the advantage of the man and his family, who by this interposition finds 30 or 25 per cent. taken from the 91*l.* a year, which but for that law he might have earned. What is this but levying a tax of 15 or 25 per cent. on capital and labour. I call upon the House to recollect what was thought of an imposition of 3 per cent., and to compare this with a permanent imposition of even 15 per cent. on the profit of capital and the wages of labour. I doubt whether the workmen do not cherish the hope that this restriction will not in its effects fall on them, but I believe the loss to the manufacturer will be much less than to the labourers, for the former will be able to obtain compensation by making reductions; but I doubt whether, by restricting the hours of labour, you will give the workman an equivalent for the loss of 15 per cent. You are going to apply this restriction to certain branches of labour, which are at your mercy, because they are congregated in large factories, and brought under your eye. I am now speaking on the assumption that this limitation is not necessary to be equally applied to other branches of industry; but never was assumption more erroneous. There are great branches of industry as to which greater necessity exists for interference than in the cotton manufacture. We should perhaps interfere there, but we cannot. "Why should we not," it is said, "notwithstanding, correct an evil which is tangible, and as to which we can apply a remedy, because there is another which we cannot? Let us restrict labour where we can apply our laws; at any rate, we do no harm if we leave untouched other departments of industry as to which we have no facilities for legislation." That is not a well-founded argument. After I have applied restrictions to one species of capital invested in a description of labour, I do not leave matters where I found them. I give a premium on that labour which I leave unrestricted; and I disturb the application of capital by subjecting capital applied to manufactures to peculiar and special restrictions, and by giving a premium on the application of capital to those employments which are not fettered by such legislation. What are those descriptions of employment I leave untouched by such legislation? Agriculture I put out of the question. It is said I cannot touch agricultural labour. I must say, however, that if I could carry my own wishes into effect I would prohibit a great deal of agricultural work carried on by women through the middle of winter, without reference to the inclemency of the weather. That women should be working from 8 to 10 hours, with no opportunity to change their raiment upon occasions, is surely sufficient reason for me to desire to protect them, and, if I could, to leave them to domestic engagements; and certainly, if I could by a wish effect this without injuring other interests, I should be disposed to do so. But I speak of labour employed in agriculture. I am going to restrict one species and to leave untouched another. What is the other species? Is it some small and unimportant department of employment? No. It includes the metal manufacture, the ironmongery, the japan, the tin wire, the screw, the nail, the pin-manufacture, everything passing under the name of Sheffield or Birmingham ware; earthenware, porcelain, glass, lace, hosiery, calico printing, bleaching and dying, paper-manufacture, rope and twine-making, leather glove-making, steel-plating, and, above all, dress-making and needlework. I am not going to touch these departments of industry. I am going to leave to the master in these manufactures the unfettered right to employ women and children at whatever period he pleases. Now I wish you could read the Report of the Commissioners on the employment of children in several branches of trade and manufactures, which has been laid on the Table within the last two years. By adopting this proposition, the House could only hold out a new inducement to give employment to women and children in other branches of trade and manufactures in contradistinction of the cotton manufacture. The Commissioners in their Report state:

> "That in a very large proportion of these trades and manufactures female children are employed equally with boys, and at the same tender ages; in some, indeed, the number of girls exceeds that of boys; and in a few cases the work, as far as it is performed by those under adult age, is carried on almost entirely by girls and young women."

Now I dare to say, that a great number of Gentlemen who hear me are not aware of the number of women and children engaged in some particular branches of manufacture, which it is generally supposed are chiefly carried on by men. This has struck me as being particularly the case in the manufactures of metal. One of the Sub-Commissioners said,

> "I saw in some manufactories women employed in most laborious work, such as stamping buttons and brass nails, and notching the heads of screws. These are certainly unfit operations for women. In screw manufactories the females constitute from 80 to 90 per cent. of the whole number employed. Thus:—Mr. James James, screw manufacturer states, that he employs about sixty men and 300 females. In the screw manufactory of Messrs. J. Hawkins and Co. there are thirty men and 102 women. Mr. S. Henn, foreman, of Messrs. F. H. Hyland and Co., screw-manufacturers, states that he has been in the screw-manufactory all his life; that in screw-making few children are employed—not more than 5 in 100. That the great majority of the work people are females, as many as 90 per cent.; and that some girls came as young as thirteen or fourteen, but generally from sixteen to twenty-three or twenty-four."

Again, it appears that the number of females engaged in the manufacture of earthenware is very great. It is stated in the Report,

> "From the returns received from Staffordshire it appears that, of the total number of workpeople employed in the principal establishments, the females above twenty-one years of age are considerably more than one-third; between twenty-one and thirteen, the number of the females nearly equals that of the males; and under thirteen the number of the girls is much more than one-half that of the boys; the exact proportions being, above twenty-one years of age, females 2,648, males 4,544; between twenty-one and thirteen, females 1,736, males 1,979; and under thirteen, females 522, males 978."

Why do I quote these things? Because I wish to show you that it is impossible to stop in your legislation; that there is at least the same necessity, that there is a much greater necessity for your interference in respect to other branches of manufactures, than in the case of cotton factories; that if you stop at factories, you are giving encouragement to other branches of manufactures, which are not to be so protected; and if you do not stop there, I advise you to contemplate the extent of your legislation, if we are to undertake the regulation of all labour in respect to which females are employed and in which excessive tasks are required. Take a branch of manufactures closely allied with the cotton—that of calico-printing, or take the earthenware manufacture, as to both of which there is abundant information as to the employment of women and children in those departments of manufacture. With respect particularly to the manufacture of plates and saucers, in the Report of the Commissioners to which I have just referred, is this statement:

> "But the children most to be commiserated are those called 'jiggers and mould-runners,' who are employed by the dish, saucer, and plate makers. Each man employs two boys, one to turn the jigger or horizontal wheel, the other to carry the ware from the whirler to the hot-house on moulds. The children thus employed constantly work in a temperature ranging from 100 to 130 degrees. A man frequently makes eight score dozen saucers in a week, each dozen counting thirty-six pieces; each piece is carried twice to the hot-house, and weighs, mould and bat, 2lbs.; but as two pieces are carried at the same time, they count but as one; that is to say, 4lbs. each trip. A child carries in the week, reckoning his working hours at 7,223,040lbs., or 3,840 lbs. each day. In carrying this weight he journeys 45 miles 1,440 yards every week, or seven miles, 1,120 yards per day. Besides this, he has to mount one, two, or three steps to place the pieces on the shelves, to wedge the clay in the yard, while his master is taking his pipe or his pot; to collect the half-dried pieces from the shelves; to come half an hour or more before his master in the morning to get coals in and ashes out, and to sweep and make the room ready, and to do anything else that may be wanted, having probably to walk a mile before and after his work."

Such is the nature of the employment in a particular branch of the earthenware manufacture, in which large numbers of females and children are engaged. Now, hon. Gentlemen ask what are the hours of work? The Report states that the hours of work in the earthenware manufactories are seldom less than twelve, and that, at the end of the week, in plate making, the work lasts from six in the morning until nine at night, which makes fifteen hours, and that it very often extends from seventeen to eighteen hours out of the twenty-four. I ask, then, whether the House will only interfere with the cotton manufacturer, and leave earthenware and calico printing in the same state as at present. If I had not seen the statements in this Report, resting on such high authority, I never could have believed it possible that in this country there were human beings who had to undergo such a continuance of human labour as is exacted from those who are engaged in calico printing. In the report from which I have already quoted, it is stated in the evidence of Thomas Sidbread, block-printer, that after taking a child who had already been at work all day to assist him as a teerer through the night, says:—

> "We began to work between eight and nine o'clock on the Wednesday night; but the boy had been sweeping the shop from Wednesday morning. You will scarcely believe it, but it is true—I never left the shop till six o'clock on the Saturday morning, and I had never stopped working all that time, excepting for an hour or two, and that boy with me all the time. I was knocked up, and the boy was almost insensible; if I stopped a minute, he was fast asleep in a moment. On the Friday I was printing a piece, and the block did not exactly fit the pattern, so I sent the boy to fasten the piece to a post at the other end of the room, that I might stretch it; he was so sleepy that he took the piece across where the other men were working, which he would never have done if he had been properly awake. However, he fell asleep in the act of doing this, and let go his hold of the end of the piece when I was leaning my weight upon it, and I fell down an open staircase which was at my back, and hurt myself very much. I did not recover it for some time. This child's parents neglected to give him food, and the people I lodged with had not taken care to prepare me enough, so we were obliged to go without food from dinner-time one day until breakfast the next day, as I dared not send the boy for any food, as I was afraid he would give me the slip and run away, and I could not get another; so we both went without food all that time. They worked regularly very long hours; it was quite a regular thing with them. There were men there, and children too, who came on a Monday morning and stayed till Saturday night, slept and ate their food there."

Again, Henry Richardson, block-printer states:—

> "At four o'clock I began to work, and worked all that day, all the next night, and until ten o'clock the following day. I had only one teerer during that time, and I dare say he would be about twelve years old. I had to shout to him towards the second night, as he got sleepy. I had one of my own children, about ten years old, who was a teerer. He worked with me at Messrs. Wilson and Crichton's, at Blakeley. We began to work

together about two or three in the morning, and left off at four or five in the afternoon. Once I remember going on a Friday morning at two o'clock, working all Friday and Friday night, and until twelve o'clock on Saturday. On Saturday night I sent the child to bed about seven o'clock; the next morning, when the other children got up, I told them to let him lie still a bit, as he had had so little rest during the week. We never disturbed him at breakfast time, and when we returned from chapel at noon he was still asleep, and slept during dinner time. About five o'clock in the afternoon, when I came home from the school, I was alarmed at finding him still asleep, and wakened him; but I believe if I had not done so he would have slept until Monday morning. I have known children made ill by working too long hours. The boy that worked for me at the Adelphi was sometimes unable to come to his work from being sick with overworking; and I have known him give another lad his supper to take a night's turn for him; and he often had no appetite of his own."

Robert Kellatt, block printer, said;—

"I remember, either in August or September last, I started at six o'clock one morning, and it was one o'clock the following morning, when I went out of the shop; as I was going out, the foreman called me back, and ordered me to return by six o'clock. I came again at six in the morning, after being away five hours, and worked until nine o'clock at night, when the foreman came again to me to see if I could make it convenient to be back again that twelve o'clock at night; but I did not go, as I considered it rather unfeeling in them to expect me to do so, for my own child had worked with me all those hours, and she was but eleven years old.—Did any of the men who were working with you return at twelve o'clock? Yes, there were three men; but they had not been employing their own children as teerers, and they came back at twelve, and worked till twelve the next day."

Let hon. Members read these and other descriptions of the occupation of persons engaged in the metal trade, the earthenware manufacture, calico printing, lace manufacture, and the hosiery trade, and above all, read in this Report, the account of the nature of the occupation of the dress-makers and milliners in this metropolis, and then ask themselves if these trades do not as much call for the intervention of Parliament as the cotton manufacture? Is it right then, to deal only with this one branch of industry, and leave others altogether untouched, in which it appears that female children work fourteen, fifteen, sixteen, or even as much as eighteen hours a day? If you are prepared to legislate for them [*Hear*],—you are then prepared to legislate for them; and we are about to subject, not factory labour merely, but all labour in this country that falls at all within the same principle, to similar restrictions. We are not merely to interdict the employment of women in mines and collieries, but we are about to provide regulations which shall apply to children and which ought to apply to adults, in respect to all descriptions of labour where we think it is more severe than the human frame ought to be subjected to. This principle I certainly understand. If this then, be only the commencement of the work, I cannot make any objection to it as being an unjust interference with particular classes of labour; but if, as it seems now the impression—and perhaps the just one—that the imposition of these restrictions upon adult labour will engender the necessity of further restrictions applicable to all labour, and I see not why it should not be extended to agricultural labour—I say that, because you adopt the principle that necessarily leads to such extensive consequences, namely, an invariable and almost universal interference with labour in this country, before I adopt that principle, although I admit the universality of its application, and that it is not inconsistent with justice as showing a preference to no one description of labour over another, yet foreseeing that I should be involved in a duty, which I never shall be able satisfactorily to perform—seeing, although it is possible, perhaps, to deal with the factories, yet if I am to enter into private shops and houses, and impose obligations upon every individual as to the degree of labour he shall impose, not upon 300 or 400 children, but upon two or three Members of his family whom he employs—if I am to be involved in such a difficult, and, as I think, such a perilous enterprize—if I am to undertake the duty of prescribing and legislating, not merely how long the steam engine shall work (for that I can effect), but if I am to inculcate in every private establishment and every private family the duties of humanity, I am involved in a task above all human strength, and as I believe, pregnant with great injustice to individuals. I know my wishes and feelings would be as much in accordance with effecting that object as lessening the labour in the case of factories. I should like to see the father more proud of the education and instruction and moral training of his children than anxious to increase his earnings by their labour. Can I effect it by law? If I once undertake it, I must not be deterred by the difficulty of legislating for individual cases. The more I extend my legislation—if I go from factories to earthenware, from earthenware to hosiery, and from hosiery to lace, that which I leave unrestricted I am giving fresh encouragement to. It is not the magnitude of the establishment I shall have to contend with, because if I carry out the principle fully and fairly I must descend into all the details of daily occupation. It is admitted, that the first principle of undue interference involves that extent of interference. What may be the effect, then, on the general employment of the country of such an attempt? I know it is pregnant with the most important consequences. After legislation shall have been effected, and these new restrictions imposed, depend upon it that is not the close of your legislation. I see full well what other consequences must follow; and, believing that upon the whole we have attempted as much of legislation on these great branches of manufacture as it is now wise and safe to attempt for the commerce and manufactures of the country, and above all for the interests and comforts of the working classes—dreading the consequences of imposing the proposed restrictions on adult labour—saying to the man, " Whatever be your inclinations, the amount of your work and your earnings shall be limited"—admitting that the debate does not turn on the principle, but believing that the interference we suggest, which has been sanctioned by the proposal of former Legislators who had well considered the subject, is all that can safely be attempted in respect of this branch of manufacture—believing above all, that the forcible restriction upon labour to the extent of preventing the adult, in the cotton factory, in the silk factory, in the lace and woollen trade, from labouring more than ten hours—whatever may be my sympathies and my feelings, regardless of being in a majority or in a minority, having no other motive in my conscience than that of promoting what in my belief is most consistent with the public interest, I cannot and will not acquiesce in the proposal of my noble Friend, forcibly to limit labour in factories, to ten hours in the day.

Lord *J. Russell* had listened with the greatest anxiety to this debate, and never remembered any question on which it was more difficult than the present to form an opinion, or in the issue of which more important consequences were involved. He did not rise for the purpose of making any answer to an observation on which the Secretary of State for the Home Department had to-night laid so much stress—that he had taken a part on a former occasion which would be inconsistent with his support now of the Motion of the noble Lord the Member for Dorsetshire. If that statement were meant as a taunt, he must say that that was not an occasion on which he felt inclined to notice any observation of that kind. [Sir *J. Graham*, " Hear."] If it were not so intended, he should certainly say, that whatever might be the degree of inconsistency, on a question where thousands and hundreds of thousands of the working population of this country had their interests deeply involved, he should be ashamed of himself if he were not ready to expose himself to that charge if he was persuaded that their interests required him to take a different course from that which he had hitherto supported. With respect to the Motion itself, he must say that he was not altogether satisfied with the statement of the noble Lord the Member for Dorsetshire, able as it was. He thought the noble Lord's argument was liable to the reply of the Secretary for the Home Department, that it seemed rather to lead to the conclusion, that women and children, at all events, ought to be totally excluded from factories, and that the factory system ought to be altered if not entirely abrogated in all its essential details rather than a vindication of those alterations which the noble Lord concluded by proposing. The course which the discussion had taken, the speeches which had been made by many Gentlemen thoroughly acquainted with the subject had, he must say, cleared it of many of the difficulties in which the noble Lord had involved it. The question after all was, what was the amount of the limitation proposed by Her Majesty's Government in the present Bill, what had been the amount of the limitation proposed by successive Governments which had preceded them, and what was that now proposed by the noble Lord the Member for Dorsetshire? He must say, after listening to the Speech of the right hon. Baronet who had just sat down, it appeared to him, that the arguments used in it, so far from being those which might have been looked for from a Member of a Government proposing a restriction upon the hours of labour, were those of a person who objected to any legislation at all in such a matter. When the right hon. Baronet told them that there were persons of sixteen and eighteen years of age employed upon calico printing, and other persons upon other most unwholesome employments connected with our manufactures, and spoke as one being an enemy to all legislative restrictions upon employment: would it have been supposed that the right hon. Baronet was an enemy to all interference which would make a difference between the occupations he had referred to, and those which were affected by the present Bill? And yet such was not the case, and the right hon. Baronet was himself proposing a limitation in favour of young persons, that they should not labour more than twelve hours a day in the cotton factories. Let it be recollected by the House that their legislation had already effected in great part the interference which the right hon. Baronet, as a general principle, asked them not to sanction. They had passed a restriction limiting the labour of children from nine to thirteen years of age to eight hours a day, and of young persons from thirteen to eighteen years of age to twelve hours a day. Her Majesty's Government were not satisfied with these restrictions, and proposed to limit to six and a-half hours a day the labour of children between nine and thirteen years of age; and besides this, proposed a very important change in regard to adult women, thus introducing a new, and, as he (Lord J. Russell) thought, a very doubtful principle of legislation. The House had given its sanction to some interference in regard to the employment of women in mines two years ago, but this could hardly be quoted in favour of extending the principle of interference, for they had been told that in Scotland at least that Act had been continually evaded, and that women had since been employed there dressed as men, notwithstanding the stringency of the Act. At all events it was a principle of legislation which it was difficult to justify though the Government had adopted it. In regard to young children, Parliament had also interfered to say that parents and guardians should not be allowed to employ their children in such an excessive manner, as to endanger their health, to produce distortion and decay of constitution, and premature death. Parliament had undertaken to legislate thus far. But when it came to the case of women of from twenty-five to thirty years of age, it seemed hard for them to interfere and say that they should not have the power of deciding the number of hours labour they could perform in a day. Yet these were not the principles of the noble Lord the Member for Dorsetshire, but were part and parcel of the Bill of Her Majesty's Government, a principle introduced for the first time by themselves. All that the noble Lord said, strictly confining himself within the scope of the Bill, was, let ten hours be inserted instead of twelve. The right hon. Baronet said, that if they introduced such a principle, they would be introducing it for all persons who laboured in these mills, because it applied generally to women. They had it in the Report of the Commission that though the twelve hours' limitation was applied generally to all persons, from thirteen to eighteen years of age, it did not apply at present to persons beyond from thirteen to fifteen years of age. Several cases were complained of by Mr. Horner and others, which they said ought not to have occurred. It would appear from this, that it would not follow that because the ten hours' limitation of the noble Lord were carried, it would apply to all persons included within the scope of this Bill. There was one point, and a very main one, in this question, in regard to which the arguments of both the right hon. Gentlemen who addressed the Committee from the Ministerial benches, had been very unsatisfactory. He thought that if there were to be any limit as to the right of adult males to labour any number of hours they thought proper, it would be a very undue distinction, and one contrary to all just principles of legislation. But it was too much to say that, in order to ensure the liberty of adult labour, they should abstain altogether from interfering to protect the health and lives of young persons. If it were found to be necessary not only for the physical health, but for the moral well being of young persons, and for the prospect of becoming good members of society as they grow older, that some distinction should be imposed as to the extent of labour they should be called upon to perform, he did not think it could be argued as decisive against such a principle, that it would indirectly restrict all labour. Now, what was the case respecting the persons referred to—namely, the women employed in factories? He found, according to the statements of the noble Lord, and which, he believed, had not been denied, that there had been a great increase during the last few years in the number of females, and especially of young ones, employed in these factories. They had it also upon the testimony of medical authorities, and of those who had watched the progress of the labour, that young girls of from thirteen to eighteen years of age could not be employed for twelve hours a-day, and with their meals be confined for fourteen hours in the factory, without serious injury to their constitutions and health, and a sacrifice of all the means which should be open to them of acquiring such habits as might make them good wives and mothers. He said that if the state of society and of the country had called upon Parliament to interfere for the protection of what was so essential to these persons, they ought not now to invalidate that course of legislation. He thought they ought not to have entered at all upon this sort of legislation, they ought not to have interfered in any way with the industrial occupations of the country, unless, having entered upon this principle of interference, and undertaken the guardianship of some thousands of young persons so employed, they were prepared to make that interference effectual. With regard to the case of other countries, the right hon. Member for Taunton had shown that in America these persons were allowed to work more than twelve hours a-day; but, looking to the subsequent part of this evidence, upon this point, it appeared that such persons were allowed to go away for three or four months in the year to attend schools; and such a principle might perhaps be adopted in other countries, and with advantage. He had been very much struck with the statement of the hon. Member for Leeds, that out of seventy owners of mills in that part of the country, forty were ready to adopt the ten hour principle in their mills, and had signed the petition in favour of its adoption. Now when they were told of the alarm which existed, and certainly he believed some did exist, at the legislation upon this point was it not something to be urged in support of the principle that practical men, who it would be thought ought naturally to have been opposed to it, were ready to agree in this proposition. And when he was told, that at the moment when trade was reviving from its former depression, it was peculiarly inexpedient to enter upon legislation of this kind, he must say that he thought it was not improbable that such an enactment might have a good effect in equalising employment throughout the country; and looking at the large quantity of goods which could be sent out from our manufactures in a very short space of time, he thought that there might be a more equal and uninterrupted rate of employment arrived at, than by leaving the amount of daily labour unlimited. There was one point which had been touched upon by those who were opposed to this proposition, which was not unimportant in connection with this subject. Those Gentlemen said, if they wished to legislate for the advantage of the working classes, let them rather take off the restrictions which operated against the admission of food, than by imposing restrictions upon the exercise of labour. He was one who thought that the proposition of the noble Lord would have the effect of diminishing the wages of the working classes; and he should be sorry to vote for any proposition which would have such an effect. But the fact was, that the question of the corn-laws should not be kept out of sight, but should rather be considered in conjunction with that of labour; and if a great portion of the working classes were working at rates which hardly supplied them with necessary food, he would ask was it better to work for twelve hours a day for 16*s.* a week, than for ten hours for 12*s.* a week, if the price of food was so much cheaper as to give an equivalent quantity of food. Looking at the state of the country generally, he believed that the case was, that there was an excess of toil and a deficiency of food. He thought that the working classes had behaved admirably on almost all subjects, and on almost all occasions. But he thought that the general feeling was that the toil which they were obliged to undergo in order to obtain the bare necessaries of life was more than the people of any country ought to be called upon to submit to. It was a difficult matter to interfere with the quantity of toil, but the time was come when he thought they ought to do so; and if he were called upon to point out another measure of relief, it would be that which should allow of a greater supply of food; thus ensuring the double boon of diminished labour, and an increased enjoyment of the necessaries of life. With these opinions he should vote in favour of the amendment of the noble Lord.

Mr. *Hindley* said, that if he had any hesitation in addressing the Committee on the present occasion it was not because he had any doubt as to the vote which he should give, but because he was apprehensive of weakening the effect of the observations of the noble lord and others who had spoken in support of this proposition. He should vote in favour of the amendment of the noble Lord the Member for Dorsetshire. The question was one resting partly upon commercial, and partly upon moral grounds; but he would not shrink from it in either view of it—believing as he did, that what was morally right, could not be inconsistent with true commercial interests. As far as his own interests were concerned, it was not necessary for him to inform the Committee that everything he had in the world depended upon manufacturing property with which he was connected. He spoke therefore with the experience and interest of a man deeply involved in the result, when he gave his support to this proposition. They had established Sunday and other schools, together with mechanics' institutes, in the manufacturing districts, to educate the people; but as far as the factory children and young persons were concerned, they were all but useless, unless some greater restriction in the hours of labour were introduced. Religious worship, too, was in general neglected, as after the severe toil of the week, the people required to rest on the only day on which they were released from their severe labour. And in many cases the sabbath-day was for the most part spent in bed. With such evidence before him of the gross evils of the existing system, he should feel that he was voting contrary to the convictions of his conscience, and to the interests of his country, if he did not support the noble Lord's Amendment. He admitted, that some improvement had already resulted from their legislation for regulating factory labour, but great abuses still remained to be remedied, and that remedy could only be supplied by Parliament. It might be said that the manufacturers might themselves adopt regulations for working moderate hours, but he had no hope that they would do so under present circumstances. Then it might be urged that the workmen had the remedy in their own hands by refusing to work more than ten hours a day, but to suppose they would do so was fallacious, they would never find the operatives sufficiently unanimous to enable them to take that course with any hope of success, but he could imagine the possibility of a state of things in which the operatives forced by the determination of Parliament not to provide for their comforts by legislation, might meet together, as the people of Ireland had done, and force them to the adoption of such arrangements as should reduce the hours of labour. If the factory system were shown to be a moral nuisance then he said it was the duty of the Legislature to interfere with it. The night was given as a period of rest, and the scripture said, "The night cometh when no man shall work."

Mr. *Collett* considered all legislation between the employer and the employed as an interference with the liberty of the subject. He considered the Bill as an instance of that mania for legislation so prevalent in this House. He confessed that he looked upon the mere question of the precise number of hours to be devoted to work as of minor importance. If they once began in this sort of legislation there was no saying where or when they would stop. Perhaps next year they should have the Secretary of State for the Home Department bringing in a Bill to regulate the relations between master and servant. He should support the Clause.

Mr. *Hardy* who could not obtain a hearing, was understood to say that he felt it due to his constituents to state that he had not heard any argument against the proposition of his noble Friend except that the safety of the country would be endangered by it, and that was quite unsupported by facts. It was his intention to vote for the Amendment.

Mr. *Muntz* was anxious to qualify the vote he was about to give in favour of the Amendment of the noble Lord. He would vote for that Amendment, not because he believed that it was sound in principle—that was to say on general principles—and he was sorry that it had ever been introduced. If the vote he meant to give should have the result of tending to encourage Government to withdraw the Bill, he should think it the best vote which ever he gave in his life. He thought that this was one of the instances in which Government would find great difficulty in legislating. They would find that the subject was out of their reach. But he would support the Amendment of the noble Lord for two reasons. The one was, that he thought that if they did try a principle, they should try it well; so that there should be no mistake about the matter. One of two things must arise from the Amendment being carried; either there must be a reduction in consumption or a diminution in wages. The other cause why he would support the Amendment was, that he had not met one operative in the cotton manufacturing districts who had not expressed an earnest hope for the success of the ten hours' proposition. At the same time he thought that some clause should be introduced to prevent the excessive labour frequently undergone in the iron districts. He believed, however, that it was necessity which compelled parents to work their children so hard as they sometimes did. In fact, the parents could not support the children unless they contributed to the common earnings.

Lord *Ashley* would only say in reply, that should he be so happy as to succeed in carrying his Amendment, he would adopt the suggestion of the hon. Member for Leeds, and introduce a clause providing that for the first year after the passing of the Bill the number of hours of labour should be eleven, to be reduced to the ultimate number of ten the next year. He would only add, that he had never vilified the factory system as a system, because he was convinced that from what he had seen himself in certain mills, that under due regulations it could be made conducive to the virtue, happiness, and prosperity of the country. Committee divided on the question that the word "eight" stand part of the clause, Lord Ashley having moved that it be struck out in order to substitute the word six:—Ayes 170; Noes 179: Majority 9.

List of the AYES.

A'Court, Capt.
Aldam, W.
Arkwright, G.
Bailey, J., jun.
Baillie, Col.
Balfour, J. M.
Baring, hn. W. B.
Baring, rt. hn. F. T.
Barrington, Visct.
Barron, Sir H. W.
*Bellew, R. M.
Bentinck, Lord G.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Bowes, J.
Bowring, Dr.
Bright, J.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Cardwell, E.
Carnegie, hon. Capt.
Castlereagh, Visct.
Childers, J. W.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Cockburn, hon. Sir G.
Colebrooke, Sir T. E.
Collett, W. R.
Corry, rt. hn. H.
Craig, W. G.
Cripps, W.
Damer, hn. Col.
Darby, G.
Dawson, hn. T. V.
Dennistoun, J.
*Dick, Q.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douro, Marquis of
Duffield, T.
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Egerton, W. T.
Eliot, Lord
Elphinstone, H.
Escott, B.
Estcourt, T. G. B.
Evans, W.
*Feilden, W.
Filmer, Sir E.
Fitzmaurice, hn. W.
Flower, Sir J.
Forster, M.
Fox, S. L.
Gibson, T. M.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
*Hastie, A.
Hay, Sir A. L.
Herbert, hn. S.
Hinde, J. H.
Hobhouse, rt. hon Sir J.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Howard, P. H.
Hume, J.
Hussey, T.
Hutt, W.
Jermyn, Earl
Johnston, A.
Johnstone, H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knightley, Sir C.
Labouchere, rt. hn. H.
*Langston, J. H.
*Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
*Mackenzie, T.
Mackenzie, W. F.
McNeill, D.
Manners, Lord C. S.
March, Earl of
Marshall, W.
Marsham, Visct.
Martin, C. W.
*Master, T. W. C
Masterman, J.
Meynell, Capt.
*Mildmay, H. St. J.
Mitcalfe, H.
Mitchell, T. A.
Morgan, O.
Mundy, E. M.
*Neeld, J.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Ferrall, R. M.
Owen, Sir J.
*Paget, Lord W.
Parker, J.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
*Pollock, Sir F.
Pringle, A.
Protheroe, E.
*Reid, Sir J. R.
Ricardo, J. L.
Rushbrooke, Col.
Sanderson, R.
Scarlett, hon. R. C.
Scott, R.
*Scrope, G. P.
Shelburne, Earl of
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotherton, T. H. S.
Stanley, Lord
Stanley, E.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
*Tancred, H. W.

Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thorneley, T.
Thornhill, G.
Tollemache, hon. F. J.
Trelawney, J. S.
*Trench, Sir F. W.
*Vivian, J. E.
*Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Wellesley, Lord C.
Wilbraham, hn. R. B.
Williams, T. P.
Winnington, Sir T. E.
Wood, Col.
Wood, Col. T.
Wyndham, Col. C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Ainsworth, P.
Antrobus, E.
Arundel and Surrey, Earl of
Astell, W.
Bankes, G.
*Bannerman, A.
*Barclay, D.
Beckett, W.
Beresford, Major
Bernal, R.
Blackstone, W. S.
Blake, M. J.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
*Browne, hn. W.
*Bulkeley, Sir R. B.
Buller, C.
Busfeild, W.
Butler, P. S.
Byng, rt. hn. G. S.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Cayley, E. S.
*Chapman, A.
Chapman, B.
Chetwode, Sir J.
Cochrane, A.
Colborne, hn. W. N. R.
Collett, J.
Colquhoun, J. C.
Copeland, Ald.
Cowper, hn. W. F.
Crawford, W. S.
Cresswell, B.
Curteis, H. B.
*Dalrymple, Capt.
Davies, D. A. S.
Dawnay, hn. W. H.
Denison, E. B.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
*Douglas, Sir H.
Duff, J.
Duke, Sir J.
Duncombe, T.
Duncombe, hn. O.
Dundas, Adm.
Du Pre, C. G.
Easthope, Sir J.
*Eaton, R. J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Emlyn, Visct.
Farnham, E. B.
Fielden, J.
Fox, C. R.
French, F.
Fuller, A. E.
Gardner, J. D.
Gill, T.
Gladstone, Capt.
Gore, M.
Gore, W. R. O.
Gore, hon. R.
Goring, C.
Granger, T. C.
Gregory, W. H.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Guest, Sir J.
*Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
*Hatton, Capt. V.
Hawes, B.
Hayes, Sir E.
Heathcoat, J.
Henley, J. W.
Hindley, C.
Hollond, R.
Hope, A.
Hornby, J.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord
Howick, Visct.
Humphery, Ald.
Inglis, Sir R. H.
James, Sir W. C.
Jocelyn, Visct.
Johnston, Sir J.
Kemble, H.
Knight, H. G.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Legh, G. C.
Leveson, Lord
Lindsay, H. H.
Lowther, J. H.
Mc Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
*Marton, G.
Maxwell, hon. J. P.
*Miles, P. W. S.
Miles, W.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Murray, A.
Napier, Sir C.
Neville, R.
Newport, Visct.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Paget, Col.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Pennant, hon. Col.
Plumptre, J. P.
Plumridge, Capt.
Polhill, F.
Pollington, Visct.
Praed, W. T.
Pusey, P.
Ramsbottom, J.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Ross, D. R.
*Round, C. G.
Russell, Lord J.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, A.
Smith, J. A.
Smith, rt. hn. R. V.
Smollett, A.
*Standish, C.
*Staunton, Sir G. T.
*Stewart, J.
Strickland, Sir G.
*Sturt, H. C.
Taylor, E.
Taylor, J. A.
Tollemache, John
Tomline, G.
Towneley, J.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Vane, Lord H.
Vivian, J. H.
Wakley, T.
Walker, R.
Wawn, J. T.
Williams, W.
Wilshere, W.
Yorke, H. R.

TELLERS.

Ashley, Lord
Wortley, J.

[The Members who voted on the two divisions, with the exception of those to whose names we have prefixed an asterisk, and who were absent from the second division, were nearly the same. The Ayes on the first division were the Noes on the second; Mr. Collett voted with the Noes on both divisions. With this explanation we forbear from repeating the Lists.]

The word eight struck out, the Committee again divided on the question that the word "six" be inserted—Ayes 161; Noes 153: Majority 8.

Sir *James Graham* said, that the decision which the Committee had just come to upon the noble Lord's Amendment, was a virtual adoption of a ten hours Bill without modification; and this, with all respect for the Committee, he had a decided objection to; but still he did not feel that it was consistent with his duty to drop the Bill in consequence of that decision. Upon the 8th Clause the Committee would have an opportunity of re-considering this question, in a form more substantial than the present; for upon the proposal of that Clause, he presumed his noble Friend would move, in accordance with his accepted resolutions, for the introduction of the words "ten hours" instead of "twelve hours." He should now move that the Chairman report progress, and ask leave to sit again on Friday.

House resumed, Committee to sit again.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS,

Tuesday, March 19, 1844.

MINUTES.] BILLS. *Public.*— 3^{a}· and passed:—3½ per Cent Annuities; 3½ per Cent. Annuities (1818); Consolidated Fund.

Private.—1^{a}· Ribble Navigation.

2^{a}· Spartali's Naturalization; Lascaridi's Naturalization.

Reported.—Nugent's Naturalization.

PETITIONS PRESENTED. By Lord Camoys, from Paisley, complaining of the Selection of the Jury in the State Trial, Dublin.—From Leonard Edmonds, Esq., Clerk of the Crown in Chancery, for Inquiry.

HOUSE OF COMMONS,

Tuesday, March 19, 1844.

MINUTES.] BILLS. *Private*—1^{o}· Garnkirk, Glasgow, and Coatbridge Railway; Cwm Celyn and Blaina Iron Company.

2^{o}· European Life Assurance; Salford Improvement; Whitehaven and Maryport Railway; Schuster's Naturalization; Sidmouth and Collumpton Road; Leeds and Selby Railway Purchase (No. 2).

3^{o}· and passed:—Ribble Navigation.

PETITIONS PRESENTED. From Criccieth, and other places, against Union of Sees of St. Asaph and Bangor.—By Mr. S. Crawford, from Rochdale, and by Sir W. Heathcote, from Southampton, respecting Carriage of Goods by Railways.—From Tain, against Abolition of Religious Tests of Professors in Scotland.—By Mr. Ewart, from Moniaive, for, and Colonel Sibthorp, from 9 places, against, the Repeal of the Corn Laws.—By Mr. Humfery, from Southwark, and Marylebone, for Reduction of Duty on Tobacco.—From Stephen Geary, respecting the Metropolitan Buildings Bill.—By Mr. M. Gibson, from Manchester, for withholding the Supplies.—From Anglesey, and Shrewsbury, against the Poor Law Amendment Bill.—From Hoghton and Withnell, for Alteration in Ditto.—From Blackburn, for Reduction of Duty on Tea.—From John Bisdee, for permitting Importation of Australian Corn.—By Mr. T. Duncombe, from Todmorden, in favour of the Ten Hours Clause.—By Lord G. Somerset, from Monmouth, for Amendment of Law of Bankruptcy.—By Sir G. Grey, from Christchurch (Surrey), complaining of Lambeth Water Works.—By Mr. Ellis, from St. Andrew's, for Ameliorating Condition of Schoolmasters (Scotland).

GRAND JURIES (IRELAND).] Mr. *More O'Ferrall* according to notice asked the following questions of the noble Lord the Secretary for Ireland, namely:—1. Whether it was the intention of Her Majesty's Government to introduce any measure during the present Session to carry into effect all or any of the recommendations contained in a report of a Commission appointed to revise the several laws under or by virtue of which monies are now raised by Grand Jury presentment in Ireland, more particularly as relates to the recommendation to effect a saving of 160,000*l.* in the expenditure of the county rates in Ireland? 2. Whether any steps have been taken consequent on the report of the Commissioners of Inquiry, in respect to the convict department of Kilmainham prison, which established the fact of great extravagance and misapplication of public monies, under the Inspector of prisons? 3. Whether it was the intention of Her Majesty's Government to introduce a measure founded on the report of the Commission appointed to inquire into the Common Law Courts in Ireland? 4. Whether it was the intention of Her Majesty's Government to introduce any measure during the present Session relative to Ministers' money in Ireland?

Lord *Eliot* said, the alteration and revision of the Grand Jury Laws in Ireland was an important and difficult subject. With respect to the expediency of adopting the recommendations of the Commissioners, to which the hon. Gentleman referred, he (Lord Eliot) could assure him that very considerable diversity of opinion prevailed in Ireland upon the subject. He was quite sure that if any measure were to be based on those recommendations it would fail to meet with general support. He would remind the hon. Gentleman that there was at the present moment a measure, an experimental one it should be called, applicable to the county of Dublin. That measure had been framed with the intention of embodying a great portion of the recommendations of the Commissioners, particularly in matters of finance, and he thought it very desirable that the House should ascertain the result of that experiment before they proceeded to apply a general measure of that description to all the counties of Ireland. He did not complain of the way in which the hon. Gentleman had put his questions, but they appeared to him (Lord Eliot) to partake of the nature of a statement. The hon. Gentleman had referred particularly to the recommendation of the Commissioners having for its object the saving of 160,000*l.* per annum. There were several instances in which money had been saved. In one case 12,000*l.* had been saved out of fines and penalties. A sum of 16,000*l.* had been saved in the county of Dublin. With regard to the second question, he begged to say that it was the intention of the Government to provide a separate place for convicts before their embarkation. With regard to the third question, whether it was the intention of Her Majesty's Government to introduce any measure relating to the Common Law Courts, he begged to say that Her Majesty's Government were not prepared with any measure on the subject.

Hours of Labour in Factories.] Mr. *Labouchere* said, that it would probably not be thought that he took an inconvenient step if he begged to ask the noble Lord the Member for Dorsetshire what were his intentions in regard to the Amendment upon a clause in the Factories Bill which had been adopted last night?

Lord *Ashley* said, it is my most sincere and ardent desire to make any sacrifice of personal feeling, in order to do what may to the utmost conciliate my opponents, and render the Amendment it was my good fortune to carry as little objectionable as possible. This morning I had an interview with five or six considerable manufacturers, and likewise with several operatives, who represented the feelings of the operative manufacturing classes. I proposed to them a plan which I am about to state to the House, and I am happy to say that it met their entire and hearty approval. On Friday next I shall take the liberty of intreating the House to affirm the proposition of ten hours' labour, by the substitution of the word "ten" for "twelve" in Clause 8 of the Bill. Should the House affirm that proposition, I will prepare a Clause which shall enact that the present duration of labour, twelve hours, shall continue from the time at which we may pass the Clause for six months, that is, till the 1st of October in this year. This will give six months' notice before any change takes place. From the 1st of October, this year, the period of labour I propose shall fall to eleven hours, and continue at that rate for two years, or till the 1st of October, 1846, when the period of ten hours labour shall commence. This I think will give ample time to test the experiment, and during the course of that time, should any mischief arise out of the enactment, the House will have the means in its own hands of preventing the Clause from running away with the interests of the nation.

Sir *James Graham* said, that though it was not quite regular on his part to address the House, perhaps he should be pardoned if he said a few words. In the first place, it was most desirable that the House and the country should understand that he and Her Majesty's Ministers had now heard for the first time the propositions which the noble Lord had expressed his intention of submitting to the Committee; but he had no hesitation in coming to the conclusion, that it would be his duty on Friday next, to resist the Motion of the noble Lord, and to take the sense of the House upon the proposition of substituting "ten hours" for "twelve." He might be permitted to add, with respect to the further proposition which the noble Lord contemplated making, that the scope of that proposition had not removed, in the least, the objection which he (Sir J. Graham) had urged against the other proposal, and it would be his duty to resist it.

Commercial Treaties.] Mr. *Ricardo* rose to bring forward the motion of which he had given notice, that

> "An humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions to Her servants not to enter into any negotiations with foreign powers, which would make any contemplated alterations of the tariff of the United Kingdom contingent on the alterations of the tariffs of other countries; and humbly expressing to Her Majesty the opinion of this House, that the great object of relieving the commercial intercourse between this country and foreign nations from all injurious restrictions, will be best promoted by regulating our own Customs' duties as may be most suitable to the financial and commercial interests of this country, without reference to the amount of duties which foreign powers may think it expedient, for their own interests, to levy on British goods."

The hon. Gentleman said, that at the commencement of the Session of Parliament in 1842, the following passages occurred in the Speech from the Throne:—

> "I receive from all Princes and States the continued assurance of their earnest desire to maintain the most friendly relations with this country. I am engaged in negotiation with several powers, which, I trust, by leading to conventions, founded on the just principles of mutual advantage, may extend the trade and commerce of the country."

In the speech of Her Majesty at the beginning of the present Sessions, although the same, and even more stress was laid upon the friendly dispositions of foreign powers, no mention was made of commercial conventions at all. The natural inference from this would be, that the effect of the course which had been hitherto pursued was altogether unsatisfactory. The extension of our trade and commerce was the object we had in view in entering into these negotiations, and their want of success under circumstances of the most favourable nature in times of peace and good intelligence with the countries with whom they were undertaken, would seem to indicate that there was something radically wrong in the system under which they were commenced, and to lead to the inquiry as to whether, having signally failed in obtaining our object by means of negotiations to extend our exports, we might not arrive at the same end by simple legislation, in regard to imports. The principal treaties which were in question in 1842 were those with Brazil, with Portugal, Spain and France. The fate of the first of these treaties had been most pathetically described by the right hon. Gentleman the President of the Board of Trade. It was now clearly understood that the result of all these protracted negotiations with Brazil was, a handsome proposition on the part of the Brazilian Government not to raise the duties on our commodities more than 25 per cent., in return for certain concessions on our part. What the concessions were the right hon. Gentleman had not shown; but, however preposterous were the proposals of the Brazilian government, he would venture to say, those of our own Government were so in a four or five-fold degree. Great as was his respect for the abilities of the noble Lord at the head of the Foreign Department, and of the right hon. Baronet at the head of the Government, displayed, as these last were nowhere so conspicuously as in making a good case out of bad materials, he could not imagine what arguments they had used in order to entice the Brazilian government to adopt a policy against which our own example set them on their guard. Certainly a proposition to reduce restrictions of 30 or 40 per cent. would not come well from a nation which imposed a duty of 400 or 500 per cent. upon Brazilian produce. With regard to the slave-trade argument, he would merely advert to it. A convention for the suppression of slavery was one thing, and a treaty of commerce was another; and if an abhorrence of slavery were the ground upon which the Government withheld from the people the advantages of an extended trade with the Brazils, he would suggest to the right hon. Gentleman the Chancellor of the Exchequer whether it would not be more economical rather than to continue a costly annual sacrifice, to grant compensation to the Brazilian as well as to the West Indian slave-holders. In Spain they had done more than negotiate, they had expended treasure and risked war. The government of Spain could not but know that upwards of 300,000 of her people were employed in smuggling, and in smuggling only; and yet, with every circumstance apparently in our favour to assist and encourage our efforts to effect a commercial treaty with Spain; it was a fact that we were further off our point than ever. British influence had never been so low in the Peninsula as at the present moment. The next commercial convention which had miscarried was that with Portugal, and the derangement in the wine trade which had been occasioned by it the House was aware of. In a circular of the wine trade, dated May, 1843, it was stated—

> "We fear that, independent of the consequences of the long-protracted negotiations, the consumption of wine has suffered from the depression which has affected all articles of luxury, but by reference to Table A., it will be seen, that the deficiency on port alone, last year, is no less than 1,081,637 gallons (being more than half), and 312,816*l.* of revenue."

Unfortunately, wine merchants were not the only sufferers, nor can the effects be regarded as merely temporary, as would undoubtedly be experienced both by ourselves and by the Portuguese, who appear to forget that until the beginning of the last century French wines constituted here, as now in the north of Europe, almost the whole consumption. The trade remonstrated, but even while remonstrating, they avowed—

> "We cannot blind ourselves to the fact, that, while we are demanding of Portugal the admission of our manufactures at some 30 or 40 per cent., the rate of duty we offer her in return cannot be estimated at less than 150 per cent. on the cost of her wine, nor less than 600 per cent. on her brandy; we do not allude to the few pipes of expensive wines shipped to England, but to the general growths of the country, and alone known to the inhabitants as the 'wines of Portugal;' and, we may add, that the same applies, more or less, to the

wines and spirits of all wine-growing countries. Although the use of wine is permitted to very few in England, it is produced over the whole of the south of Europe, in unlimited quantities; and there, as well as places like Hamburg, where the duty is low, is not considered a luxury, more than tea or coffee, and all are aware of the greatly increased consumption and trade, as well as the increased revenue derived from these articles, since, by reduced prices and duties, they have been placed within the reach of a large class of consumers. It has been officially stated, that the reduction of duty on the wines of Portugal will be followed by a similar reduction on those of other countries; but if these are to be delayed until treaties of reciprocity are settled, the confusion, and frauds in business, aud against the revenue, which will inevitably ensue, are incalculable."

But this was not all: so far from there being any probability of a reduction in the duties of those commodities of Portuguese produce, by the import of which our trade with Portugal would be extended, a fresh impediment had been thrown in the way by the Chancellor of the Exchequer having agreed to grant a drawback to the wine-merchants to the amount of the duty reduced. So that before any arrangement could be made, they would find that, on a moderate calculation, for every 1*s*. of duty taken off, from 150,000*l*. to 200,000*l*. would have to be paid as compensation to the wine merchants. With France we had been equally unsuccessful—we had been engaged in almost interminable diplomatic arrangements to negotiate a commercial treaty. As the right hon. Member for Taunton (Mr. Labouchere) had happily styled it, "always pending, never ending." Upon this point, he might call attention to a paper, drawn up by Mr. M'Gregor, upon the subject of Commercial Tariffs, in which he quotes the opinion of M. St. Ferrial, given about nine years ago, as to what should be the system of commercial policy for France to pursue. M. St. Ferrial, in a work dedicated to M. Guterin, Director-in-chief of the administration of customs, professes to elucidate the principles of the French customs, and sums them up as follows:—

"1. To reduce the existing duties solely on materials required for manufactures. 2. To protect the importation of machines and tools for manufactures. (They had done this.) 3. To treat cotton-twists and linen-yarns as manufactured goods, and not as articles necessary for manufactures. (They had adhered most rigidly to this principle; for the only result of our diplomatic intrigues had been a raising of the import duties in France on our linens and linen yarns.) 4. To abolish no prohibition, to reduce no duty on manufactures on any other consideration than to lessen the profits of fraud. (This principle had been well carried out.) 5. To prohibit the exportation of machinery, tools, teazles, &c., and all that may contribute to the development of foreign industry. 6. To protect our merchant shipping in an efficient manner, by particularly favouring the importation of our merchandize from the ports of first shipping. 7. To consider as a principle that, in all treaties to be negotiated with England, most of the conditions which she will propose are to be avoided."

This was a principle which France had never lost sight of; and although it was known to the French Government that their loss on sugars was 30,000,000f., and on iron 50,000,000f.—though it was known that the prohibition had produced incalculable mischief to both countries, yet notwithstanding all our efforts, it was now clearly ascertained that all idea of the commercial treaty was abandoned. Hitherto he had spoken only of the actual catastrophe of each particular treaty, and it would be an endless task to attempt to describe the various complications and dilemmas of these conventions were he to treat them relatively the one to the other. Independently of binding ourselves down to a particular course of commercial policy there was a clause in many of these sort of documents commonly called "the most favoured clause" which rendered every alteration in our Tariff a subject of negotiation and, perhaps, of altercation, not with one country alone, but with every country producing the commodity affected by the change; in the late treaty which had been concluded by Lord Ashburton with the United States, on the Boundary question, a commercial claim had been inserted, by which it was stipulated that the produce of the state of Maine, coming into the British colony of New Brunswick, should be considered as British produce, and admitted into the United Kingdom at the colonial rate of duty. Now, it appeared to him that they might be placed in a serious dilemma by this clause, for it might very fairly be said by the other corn and timber growing countries having the most favoured clause, that as Maine was as much a portion of the United States as New York itself, there was no reason why their produce should not be admitted upon the same terms. They knew of a parallel case. A low rate of duty had been imposed upon rice, the produce of the western coast of Africa, and the American Government claimed to have their rice admitted at the same duty. The late Government had refused their claim but the present Government had admitted it, by equalising the duty in the late change in the Tariff. This would show the nature of the difficulty that might arise under the clause he had referred to. But if he wanted any evidence as to the difficulties attending commercial treaties, he might appeal to the answer given last year by the right hon. Baronet (Sir R. Peel) to a question put by the noble Lord the Member for London (Lord John Russell) as to the progress of certain negotiations then pending. The right hon. Baronet said:—

> "He need not describe the difficulties which often arise in the course of negotiations, the prejudices which exist, and the jealousies the Government have to contend with. But in addition, they were also exposed to difficulties which could hardly be anticipated from some change taking place in a foreign government, which rendered it necessary, if not to recommence the negotiations, at least to enter into lengthened explanations. The difficulties of negotiating commercial treaties were not confined to the negotiations with arbitrary governments, indeed he might observe that the spread of constitutional principles, and the establishment of representative governments, had not increased the facilities of making these treaties; on the contrary, it had rather increased than abated the difficulties."

He had quoted the testimony of the right hon. Baronet, and now he asked the House whether he had not fulfilled his pledge of showing that the system of seeking development for our trade, by meddling with foreign custom houses, was unwise, impolitic, and dangerous? He did honestly believe that this was manifest, and it was not without some mortification that he found that the Government of England had not been the first to avow it. In France M. Guizot had abandoned the deceptive advantages of commercial treaties, and had declared his intention of adopting measures for the welfare of his country, without reference to what other countries might do. He found in a report of the debates in the French Chamber the following question and answer.—

> "M. *Billault*: I have no desire, Gentlemen, to measure my talents with those of the orator who has just spoken, but will content myself with dealing with facts. I wish to ask whether a treaty of commerce has not been contemplated with England?
>
> "*The Minister of Foreign Affairs*; Negotiations were in progress for a treaty of commerce between France and England. It would have affected none of the great interests of the country; neither flax nor cotton manufactures were in question; and woollen manufactures were only treated of indirectly, and in a very limited manner. These negotiations have ceased, and have not been resumed. Therefore, at present, the hon. Gentleman has not any cause of alarm. Everything remains as before, and nothing has been done. For my own part, the more I consider the question, the more convinced I am that treaties of commerce of long duration with rival great powers are attended with inconvenience and danger, and that, in treating with rival powers, it is better to proceed by means of modifications in tariffs, which leave everything at liberty, and which need only last the time necessary for making the experiment. I may add, that I have reason to hope my ideas are shared in by the British Cabinet, that the British Cabinet will no longer insist on a treaty of commerce, but leave it to modifications of tariffs to obtain the end desired on both sides, namely the extension of our commercial relations."

Now, if this was true, as to the intentions of France, and he saw no reason to doubt it, seeing that the statement came from the Prime Minister of France, he thought no one could blame him for bringing forward the present Motion, and for calling upon Government to adopt those means for extending our own commercial relations, which were in its power, rather than to endeavour to obtain the same object by means over which they had had no controul. He had heard a great deal about the impossibility of fighting hostile tariffs with free ports, and the right hon. Baronet, at the head of the Government had last year quoted against him a most formidable little page of a much less formidable publication in support of this theory. Now he (Mr. Ricardo) maintained that the only weapon a commercial country has to oppose to a high tariff, is a reduction of its own import duties. The attempt to induce other countries to lower their duties upon our goods by increasing the import duties upon their produce was most absurd. It was in fact increasing the impediments to an extension of our commerce with those countries. If a country imposed a duty of 40 per cent. upon our commodities, that 40 per cent was the obstacle in the way of our trade with that country; but if, in retaliation, we imposed an equal amount of duty upon her produce, the obstacles to our trade with that country was raised from

40 to 80 per cent. by our own act. Therefore, he said, that every step they took in that course, would tend more and more to deteriorate and limit our commercial relations with foreign countries. The prejudicial effect of those reciprocal commercial treaties was shown by the fact, that our trade with Russia, a country where prohibition and protection are the means employed to maintain costly manufactures, was greater than with the Brazils, when we had what was called a favourable commercial treaty. Now, he knew, that Russia was, as it were, the citadel of those who maintained that tariff reductions were impolitic and disadvantageous. But, strange as it might appear, Russia was his strong point too. Our imports from Russia amounted to not less than 5,000,000*l.* annually, while our exports were not more than 1,600,000*l.* It was true, that the balance between the import and export must be paid by this country in some way or other, and he might be told that we should be driven to the ruinous alternative of paying it in gold. But even if we were, he apprehended no danger. He would be glad to see our trade with Russia doubled on the same terms, for a profitable trade might be carried on in gold as well as in any other commodity. He acknowledged no supernatural attribute to gold. We must buy it before we could sell it, and if we could do so with a profit, where was the objection? But, in point of fact, we did not export bullion to Russia in payment of the excess of our imports over our exports from that country. He found that our exports to Russia, of articles the produce of our foreign markets, in 1841, were—Cotton, 8,098,735 lbs.; indigo, 1,279,603 lbs.; cochineal, 230,854 lbs.; coffee, 439,364 lbs.; sugar, 84,606 cwts.; wine, 46,911 gals.; rum, 50,337 gals.; besides a great variety of other articles, all exported out of our bonded warehouses here, having been received from the countries where they were produced, to pay for the purchases of our goods, and thus promoting further demand for our manufactures. This was what was termed the triangular system of import. We imported from Russia, and paid for those imports by the produce of the Brazils and other foreign countries which we obtained in exchange for our cotton, woollen, and other manufactures; so that our payments to Russia were made by the goods of those foreign countries, through our bonded warehouses, and paid for by our manufactures. The balance was made up by the exports to Russia of the like commodities from the countries who sent them to these bonded warehouses, thereby displacing their own produce, and replacing it with ours. The transaction was most simple. The Russian wants sugar and coffee, we want hemp and tallow, and the Brazilian wants cotton goods and hardware. Therefore we buy of each other. We do not send the money to Russia, that she may send it to the Brazils, from thence to be returned to us by the whole transaction, as regulated by a bill of exchange—drawn by one of the parties on the others, and taken in payment by the others. And this is all the misfortune resulting from what they were pleased to call a one-sided free trade. He hoped his Motion would not be met with the objection that it was a mere abstract theory. They must deal in abstract propositions before they could arrive at practical results. The steam engine and the spinning jenny had once been abstract theories; and if they had not found a Watt or an Arkwright to carry these abstractions into practice, our resources and our industry would not have availed us against the ingenuity of our competitors. And so all political improvement and reform is theory. And if they could not find Ministers bold enough to carry out those principles which would tend to abolish restrictions which crippled trade, they might bid adieu to the greatness and prosperity which this country had so long enjoyed. He hoped that the right hon. Baronet would not content himself with contemplating the present moment of prosperity, but that he would look back on the years of adversity which had passed, and inquire whether the same causes from which that adversity had arisen were not still in operation, and whether the probability was not that they would be followed by equally lamentable results. The right hon. the President of the Board of Trade had, on a former occasion, asked him (Mr. Ricardo) if he desired a circular should be sent off to every British Minister accredited to a foreign court, desiring him to stop any negotiations that might be going on for effecting commercial treaties. And he would now say, that if that had been done, it would, in his opinion, have saved much unnecessary trouble. It was, perhaps, not too late to send it now; and if the right hon. Gentleman should decide upon sending such a circular, he hoped he would add to it instructions to our ambassadors to tell foreign

powers that Great Britain was at length aware of the delusion she had so long laboured under; that she now knew she could not sell without buying, or buy without selling; and that, in consuming the productions of foreign countries; she was, in fact, merely consuming her own produce in an altered shape; that the markets of England were now open to the nations of the world for the exchange of that which they needed the most, for that which they could produce more economically than ourselves. Beyond revenue considerations there should be no let or hindrance, and the only limits to their trade would be those which they themselves imposed. The hon. Member, in conclusion, submitted the Motion he read at the commencement of his speech.

Mr. *Ewart* seconded the motion. He thought it a most unfortunate moment when diplomacy first meddled with commerce. In referring to the history of commercial treaties, he asked what good result had this country ever obtained from them? The first treaty to which he would refer was the celebrated Methuen treaty of 1703, which was for a long time the wonder of the commercial world. It had, however, conferred no advantage to commerce, but was an impediment. The effect of it was to introduce into this country a taste for the wine of Oporto, superseding the use of French wine, which until then was the only wine consumed in England. As to the absurdity of that treaty, Hallam, in his Constitutional History, said,

> "A contemporary historian, of remarkable gravity, observes, 'It was strange to see how much the desire of French wine, and the dearness of it, alienated many men from the Duke of Marlborough's friendship (Cunningham, ii. 220). The hard drinkers complained that they were poisoned by Port; these formed almost a party. Dr. Aldrich, dean of Christ Church, surnamed the priest of Bacchus, Dr. Ratcliffe, General Churchill, &c., and all the bottle companions, many physicians, and a great number of the lawyers and inferior clergy, were united together in the faction against the Duke of Marlborough."

The next treaty was that which was concluded with France in 1786, by Mr. Pitt, by which it was endeavoured to establish a system of improved trade with France, but of which it was afterwards said, by all the French periodicals of the time, that it was so advantageous to the English nation that the French ought never again to enter into a treaty with England. He turned from this country to other countries, and he asked whether the reduction of duties on imports had not been always beneficial? The most obvious country in reference to this part of the question was the United States of America. For a long series of years, while the United States were steadily progressing, their imports largely exceeded their exports, and the attention of one of the most acute observers of human nature, Dr. Franklin, was turned to the subject. He said in one of his essays,

> "That if the importation of foreign luxuries could ruin a people, they (the Americans) would probably have been ruined long ago, for the British nation had claimed and exercised the right of importing amongst them, not only the superfluities of her own production, but of every nation under heaven. We bought and consumed, yet we flourished and grew rich."

But setting aside these questions of the past, the simple question was, whether they were likely to succeed in future. There appeared to be no approximation on the part of France towards a commercial treaty with this country. He believed that there eixted in France, and in almost every nation in the world, an extreme jealousy of English commerce. The same thing prevailed in Germany. He did not believe that the United States contemplated any approach towards a commercial connection. Our future commercial connection with other nations could only be extended or even continued by our throwing open our ports, and taking whatever we wanted, convinced that they would, in the end, take from us whatever they required in return. He therefore thought that Government were called on to give some definite description of their intentions with respect to our future commercial policy. In this respect the time was come when they should imitate the example of the French minister, and by stating clearly what their intentions were, relieve the country from that condition of suspense and anxiety to which it was at present subjected with reference to future commercial policy.

Mr. *Gladstone* did not think it would be difficult for him to show sufficient reason why the House should not accede to the motion of the hon. Gentleman. The hon. Gentleman had referred at some length to the different cases in which commercial negotiations had recently been carried on between Great Britain and foreign countries. It was not, however, necessary for him to follow the hon. Gentleman in detail through these cases, because, even although he were to grant that no benefit had arisen from these negotiations—that they had all failed—and failed hopelessly—he should still contend that the hon. Gentleman had laid no ground to justify a motion so broad and so sweeping as that which he had submitted to the House. The hon. Gentleman had made a motion upon the subject last year, and had called upon the House to declare, that it was not expedient that any remission of import duties should be entertained with a view to making such reductions the basis of stipulations with that foreign country in whose favour these reductions were contemplated. That motion was rejected by the House. But in his present motion the hon. Gentleman appeared determined to make the terms in which it was couched still more wide and sweeping than were those of his motion of last year. The object of the hon. Gentleman, in his present motion, seemed to be to declare, absolutely and abstractedly, that the Government of this country, under any circumstances or for any purpose, ought never to enter into mutual arrangements with other countries, involving modifications of their respective tariffs. As regarded, however, a particular case to which the hon. Gentleman alluded, he must thank him on behalf of the Government for the extreme charity of his judgment upon their measures. The hon. Gentleman stated with regard to that particular case, that the propositions made by this to a foreign country were quite absurd. He stated that they were much more absurd than were the propositions of the foreign country referred to. [Mr. *Ricardo:* Much more preposterous.]—Well, that was the word. But the hon. Gentleman quite overlooked the distinction between the two cases. He said that nothing could be more inconsistent, than for Great Britain to object to the Brazils levying a duty of 40 per cent. upon our productions, while we laid on their productions a duty of 300 per cent. Now, did the hon. Gentleman think that this was a fair representation of the case? Did he think that it was on the abstract doctrine, that 40 per cent. was a duty that a foreign country could not be justified in imposing upon our manufactures, that the Government proceeded? On a former occasion he had explained to the House that this 40 per cent. was imposed by the Brazilian Government, not for the sake of a revenue, but in order to rear up a protective system. That was quite different from levying it as a revenue tax. [An hon. *Member*: There is no distinction.] What! No distinction between a tax for the purposes of revenue, and a tax for the purposes of protection? He would leave hon. Gentlemen opposite to reconcile such an opinion with the opinions which they had expressed on former occasions, with the opinions which they had stated before the Import Duties Committee; and would contend, for his own part, that the very broadest distinction existed between a revenue and a protective duty. The question turned upon the rearing up of a new protective system. The Brazils demanded the imposition of a duty of 40 per cent. upon our manufactures for protective purposes, and that this country should consent to limit its protective duty on sugar to an amount which, instead of being 40 per cent. upon the value of the article, was more nearly 6 per cent., so that it would be more just if the hon. Gentleman had stated that the absurdity lay not upon the side of this, but upon that of the Brazilian Government. He did not wish to disguise the particular objections to these commercial negotiations; but the hon. Gentleman, in his estimate of these objections, and particularly of those having relation to Spain, should have taken into view, that the greatest of all difficulties in the way of our negotiations with that Government lay, not in its disinclination to negociate with us, but in its extreme weakness—a weakness which subsequent events had abundantly proved. The hon. Gentleman had referred to the case of America, and founded an argument upon a clause in the Ashburton Treaty. That was a matter which he did not think could be prudently or fairly discussed at present; but he would say that the hon. Gentleman had formed a very hasty judgment of the effect of that clause, when he stated that upon it claims might be founded in favour of American corn-growing States for the admission of their produce upon the same terms as those granted, not to the State of Maine (for the hon. Gentleman seemed not to have read the Treaty), but to a certain portion only of that State. He ventured to say, that the opinion of the hon. Gentleman upon the claims which might be set up under the clause in question was quite erroneous; as was also his illustration with reference to the admission of Rice, which was admitted upon quite different grounds from those upon which the produce of Maine was proposed to be admitted. In the case of Rice a privilege had been given to a foreign country, but it was not given in respect to the origin of the grain, but in respect to the place of exportation. But as to the State of Maine the privilege had been agreed to be guaranteed to it when it was a British possession. Now, the hon. Gentleman thought it most unreasonable that we should stickle with Portugal as to its imposing duties upon our produce, while we were imposing a duty of 100 per cent. upon its wine, and 600 per cent. upon its brandy. But in the 30 or 40 per cent. proposed by Portugal to be levied upon our manufactures, the object was to place the British manufacturers at a disadvantage in Portugal. Now, we had no such object in laying a duty upon their wine and brandy. We wished to levy a tax upon articles of luxury, the consumption of which was confined to the rich. This was surely quite a different principle from that proposed to be adopted by Portugal. Now, as to the proposition of the hon. Gentleman, he did not deny that great difficulties and disadvantages were incident to these commercial negotiations. The uncertainty and delay which attended them were great evils, and he was quite willing to admit that, in some cases, they might be made the causes of hostility, instead of promoting friendly feeling. He did not deny that parties negotiating together might place themselves unwisely in the position of parties making a hostile arrangement. He did not deny that the natural disposition to do all they could for their country led them to over-rate that which they offered to foreign countries, and to under-rate that which foreign countries offered them in return. All these difficulties attached themselves to commercial negotiations, and formed, he was ready to admit, serious impediments to their final and satisfactory settlement. To these evils, also, might be added the injurious effects which such negotiations might produce on the revenue during the time when they were pending, as reasons why they should not be entered into without rational expectations of success, and without very great and overwhelming considerations of public necessity. He wished to show that he did not under-rate the difficulties and disadvantages of commercial negotiations. If hon. Gentlemen were to put the question, whether he would admit that it was more probable that favourable negotiations would be formed between this and foreign countries within a certain space of time, or whether it were more probable that they would not—he would reply, that he did not deem it necessary at present to answer the question. He did not object to hon. Gentlemen raising the question, he did not object to a strong statement of the disadvantages and difficulties of commercial negotiations, but he would, in the first place, say that there had been treaties of this sort which had been very advantageous; and, in the second place, that even if there had not, it was quite possible that at some future period there might. Why then should the House, by a Resolution, preclude itself from the possibility of entering on such treaties at a future period? That was the question. Was it possible that there could be such a thing as an advantageous commercial Treaty? If that principle was once admitted, then it was most unwise in the House to declare that the Resolution before it should be adopted as a rule of conduct. He repeated that there had been advantageous commercial Treaties. The Treaty with the Brazils had been of this nature. It was true that in one respect that Treaty had illustrated one of the disadvantages to which he had alluded, because it had tended to encourage the belief in Brazil that the people there had been ill-treated; but that was no objection to a commercial Treaty. Such a Treaty was one equal on both sides. In the case of the Brazilian Treaty, political countenance had been exchanged for commercial advantage; and those who had to pay that commercial advantage, when the political countenance had ceased to be material, naturally entertained a feeling of soreness. But as to the commercial portion of the Treaty, it was decidedly advantageous to our manufacturers. The hon. Gentleman had talked of our trade with Russia, and said that we had as great, or a greater trade (propositions, by the way, which he begged to deny), as we had with the Brazils. But the hon. Gentleman must remember that while Russia had a population of 60,000,000, that of Brazil only amounted to 6,000,000. Again, the hon. Gentleman who had seconded the Motion (Mr. Ewart), had referred to the Treaty concluded with France in 1787. Now that was an example of a more than ordinary advantageous commercial Treaty; and surely no one was prepared to say that it was impossible that similar circumstances to those under which it had taken place might come round again. But the hon. Gentleman said, " do not take any objection to my Motion, because it is abstract." Why, he did not deny that such a thing as abstract truth existed; he did not deny that abstract truth existed in political and commercial matters. There was an abstract truth in them, although it was exceedingly difficult to come at; but the question was, whether abstract propositions were the most convenient forms for the expression of the judgment of deliberative bodies. By an abstract proposition they were called upon, instead of adapting their course to circumstances and giving them their due weight—they were called upon to tie up their hands beforehand, and to put it out of their power to judge of the claims of future exigencies. The hon. Gentleman had stated that the steam-engine and the spinning jenny were once abstract propositions. Now he thought that an altogether new doctrine. He did not think that these inventions made their first entrance into this world of ours in the shape of abstract propositions. He thought that they were the result of a patient investigation made by thoughtful men into the laws and operations of nature. But to return. Such were the principles upon which he proposed that Government should be left free and unfettered to proceed in the matter of commercial negotiations. If he were to admit that there could be no possible case in which the remission of a protective duty should be made contingent upon the concession of a foreign power, he would be conceding something very imprudent in itself, but very far from conceding all that the hon. Gentleman required, because his doctrine extended to all duties, whether for the sake of revenue or protection. Now he would make a wide distinction between them; and as to taxation imposed for revenue purposes, he denied the proposition that there could be no case in which it might be advisable to accede to a remission of such a duty contingent upon the proceedings of another country. The hon. Gentleman talked of the necessity of enlarging our imports, and letting our exports take care of themselves; but he appeared to assume that because we obtained a result in another shape—in the case of Russia, for example—to that obtained from India or from America, that therefore it was a perfect matter of indifference in what shape they obtained it. Now, our trade with Russia was a very good one as it stood, but it would be a far more advantageous trade for this country if its tariff, instead of being founded on a highly protective, were based upon a liberal system; and for these reasons, because our trade at present consisted almost entirely of articles on which little labour had been bestowed, and because a direct was better than an indirect trade. But unless the hon. Gentleman could make good the doctrine that there was no choice between different kinds of trade, he could not call upon the House to affirm his resolution. But even political subjects might be connected with commercial treaties. He would admit that that was a principle which required to be well watched—that it was most dangerous, as a general rule, to pay for political influence at the expense of the industry and capital of the country. That when he was not called upon to make any such sacrifice—when the question was, whether he should deviate merely from some rigid abstract rule, he did say that there might be cases, and these not very remote or improbable, in which political circumstances might dictate of themselves the remission of a duty for the purposes of revenue. But as to commercial subjects, he conceived that nothing was less improbable than that the question of the readiness of a foreign country to meet us by a reduction of import duties, should be a material element in the consideration of whether we should remit a certain import duty. How did the question of the reduction of an import duty generally arise? Some surplus existed in the revenue, and applications were immediately made to the Chancellor of the Exchequer by numerous parties for a reduction of import duty upon the articles in which they were specially concerned. Now, the Chancellor should take a comprehensive view of the whole circumstances of the case, when the Government were considering how they were to apply any given amount of surplus. One of these circumstances might be a readiness to meet a certain reduction in import duty by a corresponding reduction on the part of a foreign country. He thought that there might be cases in which the balance of advantages between the reduction of different duties might be affected by such political considerations. But it was a mistake to exclude from our view that all commercial treaties were not analogous to the Methuen Treaty. That was partly based on political considerations, and we paid a high price for certain commercial advantages, moreover that was intended to be a permanent treaty; but during the last two years, when commercial treaties were contemplated, the negotiations were not carried on with a view to establish permanent differential duties. But if the reductions contended for had been conceded by the Governments negotiated with, surely the hon. Gentleman would not deny that it was a great practical object to consider the effect which these reductions would have had upon the general commercial system practised in those countries. If they had large dealings with a country carrying on a rigid system of prohibition, and supposing they felt persuaded that by inducing that country to consent to reductions on import duties, they could break down her prohibitory system, was that a consideration which any British minister should be sworn to exclude from his mind? That was the view adopted in several of the recent commercial negotiations. The negotiations with France, five or six years ago, were intended to secure the advantage not merely of obtaining a reduction of duty upon Sheffield goods and woollen cloths, but of breaking down the prohibitory system of France. While he did not admit that such a consideration was a considerable object in a commercial treaty, yet still let them not exclude themselves from the means of obtaining it. Watch the operation of those means as jealously as they pleased, but do not absolutely take out of the hands of Government a means of using what might be a great instrument for the purpose of producing favourable effects in commercial negotiations abroad. Unless the hon. Gentleman could show that all kinds of trade were equally advantageous—unless he could show that it was a matter of indifference to us whether the countries which we dealt with had a liberal or a prohibitory commercial system—unless he could prove that the treaty with Brazil had been disadvantageous to our manufactures—unless he could show that the treaty concluded by Mr. Pitt with France was disadvantageous to our manufacturers—unless he could show that there were no possible circumstances in which a commercial treaty could be aught other than evil—unless he could do all that, he had no right to call upon the House to affirm his resolution, which involved in it all the propositions which he had described, and which he therefore trusted the House would negative, as it had done the proposition brought forward by the hon. Gentleman last year.

Viscount *Howick:* I have heard with great satisfaction much of the speech of the right hon. Gentleman, for I think that even my hon. Friend behind me (Mr. Ricardo), who has made the Motion, has not placed before the House more strongly the objection to the policy of negociating for mutual commercial advantages with foreign powers than has the right hon. Gentleman. That part of the right hon. Gentleman's speech, in which he pointed out to the House the extreme inconvenience arising from the policy of these commercial negotiations, was expressed with a force and a conciseness, that it would be in vain for me to attempt to rival; but the right hon. Gentleman having stated his objections to that policy—only grounds his objections to the Motion before the House upon an allegation that the Motion is an abstract one, and upon the chance of there being some remote possibility of a case arising, in which it may be desirable to enter into these negotiations, and thus incur all those inconveniences which he has so well described. Now, I must confess, that I was astonished to hear the right hon. Gentleman object to the Motion, because it was an abstract one. Will the right hon. Gentleman inform me how anything can be less abstract than for this House to pray Her Majesty to exercise her prerogative in a certain manner, and, having made that prayer, to state the reasons on which it is founded? It is notorious, that the Executive Government enters into commercial negotiations without any previous control on the part of this House. We know nothing of the negotiations about to be commenced, until they have made a certain progress. And every hon. Gentleman must be aware, that nothing is more common than when an hon. Gentleman upon this side of the House urges the adoption of some measure of liberal commercial policy upon the Government, he is met with the reply, that his suggestion is inconsistent with "negotiations now in progress." It is in the power of the Executive Government to commit the faith of the country to a particular course of policy, and then they call upon us to frame our measures in consonance with what they have done. If it is true, that these negotiations are so inconvenient —if it is true that, as a general rule, we should abstain from entering into them, what can be more proper and less abstract than to ask Her Majesty to give directions to her servants to abstain in future from entering into those negotiations to the policy of which so many just objections are raised? I think that this is a fit and proper and constitutional course of proceeding for the House to adopt. We know that it is often the practice, both of this House, and of the other House of Parliament, to offer advice to Her Majesty, as to various negotiations: and the question is, whether the case now before us is one in which the advice proposed to be given to Her Majesty is sound advice? Now, for my part, I think that the advice which my hon. Friend near me wishes the House to give Her Majesty, is advice which it would be greatly for the benefit of this country should be followed. It is impossible for any body to compare the language held in this country by those who take a lead in public affairs, with the practical conduct of the Government, without being struck by this great anomaly—that whereas the leaders of political parties all agree in the advantages of free-trade, although it is stated on the other side of the House, as on this, that the principles of free-trade are the principles of common sense—that we should buy in the cheapest and sell in the dearest market, and that we should not punish ourselves by abstaining from adopting a liberal tariff, although other countries refused to adopt such a system—although these are the doctrines preached, yet when we come to look how they are carried into effect, we find that our commercial policy is encumbered in all directions with a mass of restrictions — that our scale of Custom House rates contains in every page, and in every item, duties which are totally contrary to the principles thus universally assented to—rates of duty so exceedingly high, that they cannot be defended on any sound principle of commercial or financial policy. This, then, is the existing state of things, and what is the explanation of the anomaly? It is, that although we agree in principle, yet that whenever we come practically to apply that principle, there are private interests of one kind or another enlisted against us, and we always find some excuse for not applying it. The right hon. Gentleman opposite talked much about a thing being abstractly right. Now, I think that, instead of using the phrase, when they mean to convey its meaning, they should speak of a thing which is right in itself, but which is not exactly convenient to follow out in practice. It is something which you are not prepared to contest in argument; but which you are not prepared to do because there are interests to contend against so strong, that they can over-rule you. I say the reason for the anomaly to which I have adverted, between the opinions we profess and the practical conduct we pursue, is founded on the fact that there is always some pretence or other put forward by those parties interested in the various monopolies under which this country groans, for rejecting the practical application of principles which they cannot deny to be true; and of all those pretences, that which I believe at this moment has most effect on the House and the country—that which appears to me to afford the most convenient shelter to those who, in their hearts, are friends to monopoly, and the most convenient excuse to others for not carrying into effect what they admit to be just, is, that at this moment it is inexpedient to act, unless you can obtain what is called "a reciprocity of concession." It is this doctrine more than any other that prevents the effective reform of our commercial policy; and that being the case, it does appear to me that the Motion of my hon. Friend is calculated to be eminently useful, because it is calculated to bring before the House and the country, distinctly and broadly, the question of the policy of insisting on what is called reciprocity of concession. Now, if we were to judge from language apart from conduct, there really would appear to be a very slight ground of difference between the Government and the supporters of this Motion, because we who support this Motion are perfectly prepared to say that all restrictions on trade are disadvantageous—the restrictions imposed by other countries just as much as those we impose ourselves: we say that extravagant duties on the one side of the water or the other are a great evil. So far we agree with the right hon. Gentleman (Sir R. Peel) opposite; and, on the other hand, the right hon. Gentleman agrees with us that, as a permanent system, to punish ourselves by maintaining high duties, because other countries are unwise enough not to follow our policy, is most injudicious. No man can doubt that this is the opinion of the right hon. Gentleman who has attended to his speech quoted by my hon. Friend last year on this Motion; and so far it really appears that we are entirely agreed; and the only difference between us is reduced to this:—first, is it expedient, even for a short time, to submit to the inconvenience of imposing restrictions on our trade, in the hope of getting other countries to join with us in taking off excessive imposts? and next, what are the means which this country has in its power to use, most likely to be successful in placing the trade between this and other nations on that footing on which we all agree it should rest? Now, it appears to me, if you admit that, as a permanent system, it is inexpedient to punish yourselves by high duties because others impose them, it is hardly possible to avoid the conclusion that you ought at once to make the change. In the first place, time is a material element in the case. If you admit, that this system of punishing yourselves by high duties is too unwise permanently to continue, I ask you, how can you reject, even for a day, what you must feel to be a relief—the power of obtaining employment for your own population—under the vague expectation that other countries will join you in establishing hereafter a perfect freedom of trade? It seems to me that you can only do so from a misconception as to the relative advantage which the country derives from its export and import trade. Her Majesty's Government, with all the progress they have made in adopting the doctrines of free-trade, seem still not thoroughly to have shaken off the trammels of the old notion, that the export trade was alone advantageous, and that what, in old language, was called the "favourable balance of trade," was the grand desideratum.—Though for the last three-quarters of a century, the old mercantile theory of the advantage of a balance in the precious metals has to the mind of every educated man been completely exploded, still the conventional language and the notions of policy arising out of that theory do most fatally hang about the minds of statesmen, and influence the conduct of nations. We still seem to think that our exports alone are really advantageous. Now, I entirely concur with the hon. Gentleman behind me, who has shown that our import trade is what is really valuable, since it is by importing the goods of other countries, we obtain a larger amount of comforts and luxuries for the consumption of our own population. Your export trade, no doubt, is valuable; but it is important only in this sense, as a means of enabling you to obtain imports. If in any other sense than as a means of increasing our import trade, our export trade were valuable, of course your exports to Africa—where the savages who buy them, would be too happy to take your goods, provided only you were not so unreasonable as to ask for payment, might be as advantageous as any we have. But it is because they have nothing with which to pay us; because they are poor, barbarous, and in the miserable state of savages, in comparison with the great nations in our neighbourhood—that is the reason why that trade—rising as it is in importance, as the great continent which furnishes it is beginning to improve—has hitherto been of trifling value compared with that which we carry on with the great nations of the world. But if this position be true—if our export trade is only valuable as the means of ensuring us the imports we desire to obtain—is it not a most extraordinary course of policy, that we should refuse to receive imports because we are not quite certain that there may not be a difficulty hereafter in providing the means of payment? Let me ask, if practically there is any kind of difference in the results of direct trade by which we pay at once the nations from which we receive commodities, and what has been called to-night "triangular" trade, by which we pay for what we receive indirectly by exportation, to some third country? It makes no sort of difference to us which mode of payment is adopted, and by the one or the other, have we ever yet experienced the smallest difficulty in paying for any produce we choose to receive? On the contrary, the riches and industry of this great country are so superior to those of most other nations of the world, that in general other nations are in our debt. The difficulty is to find some adequate return for the commodities we produce and they desire to obtain; and every new facility you offer for the introduction of their goods in some direction or other creates a corresponding extension of the export trade. Sir, this is a truth which seems to me to rest on the clearest and most obvious principles of the commonest arithmetic, and which it is utterly impossible to gainsay. And, if this is the case, I again say, what an extraordinary policy is yours, that because you are afraid other nations will not grant us greater facilities in paying for their goods, you refuse to receive the great advantage of an import trade which merely opening our ports must necessarily give us. For my own part, though I do not deny the extravagant duties maintained by foreign countries to be an evil, I think they are chiefly so in this sense—that they prevent those nations making the progress they ought in wealth and civilisation, and therefore render them less able to supply us with as large an amount of valuable commodities as we otherwise could obtain, and thus make our trade with them on the whole somewhat less considerable than it would otherwise be. This is the chief injury they thus inflict upon us; and, therefore, your course of policy is utterly unjustifiable—when because you are afraid extravagant duties will be still maintained by other countries, you refuse to your own population that relief which the right hon. Baronet himself admits would be the immediate effect of a relaxation of our duties. But then this brings me to another consideration. Suppose I admit to the fullest extent the right hon. Gentleman can maintain that it is an object to us to get the duties of foreign countries reduced—suppose I take the most exaggerated view of the greatness of that object—then I ask, not as an hypothetical question as to what possibly may occur, but as to the probability, on the right hon. Gentleman's own showing of events turning in our favour—I ask, I say, as a plain matter of fact, in the present circumstances of the country, what is the source of policy we should adopt if we wish to obtain a trade unfettered by extravagant duties on the one side or the other? I think, in considering this question, I have no little advantage in referring to what was stated by the right hon. Gentleman opposite. It must be admitted, that he stated very distinctly that there were no grounds for anticipating the successful termination of commercial treaties with other countries. But I have still stronger authority than the right hon. Gentleman's words. I beg leave to appeal to experience. You have since the termination of the war been engaged in an unceasing course of negotiation; you have lost no opportunity of treating with other countries on this subject. Some of the most distinguished men which this country has produced—Mr. Canning, my noble Friend the Member for Tiverton, Lord Aberdeen, the Duke of Wellington, the right hon. Baronet opposite, Lord Sydenham—have been engaged for thirty years in attempts to negociate advantageous commercial treaties with other countries. And, let me ask, what has been the result? Why, that at the end of that period you are worse off than when you commenced; for the right hon. Gentleman himself admits there is a growing tendency in foreign countries to throw obstacles in the way of the importation of goods the produce of this country, and the restrictions upon your trade it has been your object to get rid of, have been rendered more and more severe. This is the practical result. Now let me ask you, what do you think would have been the result if a different course had been pursued? Suppose at the Peace you had announced, "We shall enter into no negotiations, with the view of obtaining the admission of British produce by other nations at low rates of duty, we believe you (foreign countries) are able to judge of your own interests—we know what are ours, and we shall begin by reducing all our duties to as low a point as revenue considerations will admit of." Do you think if you had taken that course in 1815; if you had dealt on this principle with Brazilian sugar and Prussian corn, and Baltic timber—do you think, if beginning in 1815, you had continued to act on this wise, large, and liberal system of policy up to the present time, that the tariffs of foreign countries would exhibit their present exclusive character? Sir, I believe no man would contend that such would have been the case. What my hon. Friend asks by his Motion is—better late than never, adopt a policy which you should sooner have had recourse to. You see what has been the unhappy results of your past "laborious trifling" in this matter; pursue a wiser course for the future; teach other countries when they reduce the duties on British produce they are not giving an unfair advantage to England, but a boon to their own producers. Tell them, not by the inculcation of cold precept, but by a generous example, that the reduction of duties may indeed be an indirect advantage to those who produce the articles on which they are levied; but that the real principle on which the change is effected is, that the great proportion of gain accrues to those who are wise enough to effect it. Sir, this is the practical result of the Motion of my hon. Friend, and it involves no mere abstract proposition—the proposition it conveys, if ever there was one, is eminently practical and useful. And let me just observe to the House with what consistency the right hon. Gentleman resists this Motion as abstract, and resting on hypothetical and not practical grounds, when the right hon. Gentleman's argument from first to last amounts to this—"though I admit the general impolicy of commercial negotiations, and though it is not very probable, (the right hon. Gentleman well knows it is not), still it is possible a case may arise when we shall be able to conclude an advantageous treaty." He did give, I admit, an example to bear out his opinion—he instanced the Treaty of 1787. Now, I don't deny the advantage of that arrangement; and though I am a great admirer of Mr. Fox, I think, as a commercial Minister, Mr. Pitt was his superior. No party feeling shall ever prevent me from expressing that opinion. But I say, even of that treaty, though it was undoubtedly a good one, still had it never been concluded, better results would have followed, if without binding ourselves by any engagement, or seeking any in return, if we had made even more large and liberal concessions in favour of trade, and had left it to France to follow our example, I believe such a course would have had a more permanently beneficial effect on the trade of the country. The right hon. Gentleman's next example was the Treaty with Brazil; but he was himself obliged to give up this case as any instance of the success of a commercial negotiation, because, he says, that an unfair Treaty was imposed by Great Britain, in which, while we granted very little of what we called commercial advantages, we required from them a great deal, as the price which we made them pay for our political countenance. I think this the strongest condemnation of a treaty that ever was uttered. I firmly believe if, instead of driving a hard bargain with the Brazilians—if we had imposed no restrictions by treaty, if, instead of all this, we had liberally admitted her produce, and that she saw our political countenance was not given in a way which the right hon. Gentleman admits was no better than a bribe—I believe we should have had the full amount of commercial advantages which we have enjoyed from that time to this, and that now, in 1844, we should not object to a Brazilian treaty because she proposed a differential duty of 40 per cent. on our goods. But, Sir, further than this, I say I am "prepared to tie up the hands of the Government." I am prepared to lay down as a rule that commercial negotiations ought not to be entered into, because I should have great reliance on the success of the opposite policy, but only if it were acted on consistently and steadily, so as to shew that you were really guided by a plain and intelligible principle; your hope of getting more liberal principles gradually adopted towards you by foreign nations, depends upon their seeing that you are in earnest—that you do not disclaim Treaties when you think you cannot get them, but that you adopt a *bonâ fide* principle of dealing largely and liberally with all the world. If you do otherwise, if you allow it to appear that the prospect of a petty advantage in individual cases is a sufficient inducement to you to break through your rule and conclude what is commonly called a commercial Treaty; if you do this, other nations will consider that in disclaiming making reductions of duty matter of bargain as your general policy, you are like the fox in the fable, merely crying sour grapes, because you cannot reach them; but if you act on the principle I wish to see adopted, that you will enter into no commercial Treaties, no stipulations with foreign countries, and that you will proceed at once to the reduction of all duties on their goods, as far as your financial interests will allow, I am persuaded the result will be that the change will give such an immediate spring to your industry, that every restriction you remove will be the means of creating so great an extension of your export trade, that other nations—I do not say at once, but in the course of a few years—will see the wisdom of following your example. That fear of being overreached, so well and graphically described by the right hon. Gentleman as now influencing so much the conduct of foreign nations, will no longer be called into play. The monopolising interests—for example, the iron interest of France—will be no longer able to enlist in favour of their selfish interests the angry passions of a great portion of the community—the commercial policy of foreign countries will cease to be influenced by national antipathies; and in the course of a few years the practical effect of adopting the policy I recommend would be, that trade would be relieved from those extravagant rates of duty which foreign countries now impose. Then, Sir, I ask, is it a sufficient answer to me, when I wish to secure the general advantages of a liberal, generous, and manly, system of policy, which in order to be successful must be steadily and consistently adhered to, for the right hon. Gentleman to come here and say, "Don't tie up the hands of Government—it is not probable, but is possible, that a case may arise when I shall be able to conclude some commercial Treaty; but, for the sake of that faint probability, you must surrender those great advantages which it is now in your power to secure?" Sir, I say, the adoption of this Address by the House would be a most important step with reference to civilization. It would be a pledge in the face of Europe and the world, that this the first commercial nation of the universe is determined to give up the narrow and restrictive system of commercial policy. It would be a pledge binding on us for all future time, and, therefore, giving confidence to foreign countries, and holding out to them the strongest inducements to follow our example. I say, if a Government were in office entertaining the views which I am now recommending, I am prepared to contend, that instead of merely acting on them, they would do wisely if they themselves came forward and proposed some such Address as that now moved, in order that the House should deliberately sanction such a system of policy. I must also observe, that the Motion of my hon. Friend is at this moment peculiarly well-timed—in the first place, because it is brought on just when the fact is admitted that our long-drawn negotiations with four great commercial nations have utterly and lamentably failed, and that there is no prospect whatever of their being resumed with success. Now, therefore, is the time to pass such a Resolution. The ground is clear before you. You have given a trial of nearly thirty years to one system. You have failed—signally failed. The inference is natural—change your course. Give us as long a trial, and we might fairly win you to the opposite policy, before you despair of its results; but half or a quarter the time will satisfy me, and will furnish, in my opinion, the most decided proofs of the success of the liberal system. But I say the Motion is well timed in another sense; because I think it is impossible for any man to look about him in the present state of this country without seeing the urgent necessity of doing something for the extension and improvement of commerce. It is true distress is not so great as it was a year ago. I am most happy to believe that trade has revived to a great extent, and that there is, to a certain degree, a return to commercial prosperity; but I think no man who looks deeply into the state of things can fail to observe that our state is, on the whole, far from being satisfactory. Let me ask you, is it not clear that both wages and profits are ruinously low? That profits are low I think there is a pregnant proof in that financial measure of the Government which they have lately thought proper to propose. I agree entirely in the approbation expressed on this side as to the reduction of the interest on the Three-and-a-half per Cents.; but I confess I for one regard the high price of the funds, which rendered that operation practicable, as anything but a satisfactory indication of the state of the country. I think, so far from that, the high state of the funds is only a proof of the great difficulty of finding the means of a profitable investment of capital. But while there is a low state of profits, there is shown this state of things also—a low rate of wages. The hon. Member for Stockport adverted, in his most brilliant and unanswered speech on the subject of referring to a Committee the effect of prohibitory duties, on the condition of certain important classes of the population—in that speech, I say, he adverted to the miserably low rate of wages now received by the agricultural labourers of the south of England. The hon. Member justly and properly added for that he threw no blame on the employers—he said that rate did not at all depend on the employer; that the cause lay far deeper; but the fact is clear, you have this low rate of wages and profits, showing that the same state of things now exists as that which prevailed some years ago, and which was admirably described by Mr. Huskisson, when he said—"There was too great a pressure on the springs of productive industry." Sir, you have now that too great "pressure on the springs of industry." It is the difficulty which meets you in every quarter. It is that which meets you in the low wages of the Dorsetshire labourers, and in the miserable earnings of sempstresses in London, of which we have heard so much of late. It is the great difficulty to which the Government last night adverted, as being a bar to doing that which they themselves admitted to be so desirable. They told you, remember your own arguments: "there is at this moment so great a pressure on both wages and profits, they are now both screwed down to so low a point that we cannot afford to pass that measure of restriction as to the hours of labour for unprotected females which we admit to be exceedingly desirable." It is this "pressure on the springs of industry" which is at the bottom of your only available argument against a ten-hours' Bill. But that pressure which Mr. Huskisson adverted to, arose then, as it does now, from a deficiency in the employment of labour and capital. It is your restrictive laws which prevent that field from being enlarged as rapidly as the capital and population of the country enlarge: it is those restrictive laws which keep down profits and wages to their lowest possible point; and, therefore, I say it is those restrictive laws which it ought to be the first object of every man who really wishes for the well-being of the great body of the people to get rid of. As one of the important steps towards accomplishing that great object—as the first and most important that you can take in that direction, I concur in the principle announced by my hon. Friend, that the rule to be laid down in our commercial policy is not what is called "reciprocity of concession;" but that we ought at once, trusting the other nations will follow our example, to take into our serious consideration the means of consistently, and on general principles, reducing the rate of Custom duties so far as revenue considerations will admit.

Sir *J. Hanmer* said, that as he took much interest in the inquiries to which this Motion related, and it was of concern to his constituents, he should follow the speech of the noble Lord (Lord Howick), to which he had listened attentively, with a few observations. He sincerely wished he could have agreed with the noble Lord, for if his arguments were as well and wisely founded as they were clearly and forcibly stated—if this were, indeed, a practical proposition and a true course of policy, we should have the consolation of thinking that great difficulties for the future would be removed from the path of those who had to govern this country—and so far from the conduct of its affairs tasking the abilities of Mr. Pitt, to whom as a commercial Minister the noble Lord had alluded, or those of any other of the great and eminent men who, from time to time since then had, with varied results, applied themselves to these questions, it would be easy for a man of the most ordinary mind, the man who was least versed in practical statesmanship, who looked most into a book, and least upon what was going on out of the room in which he was sitting—to attain the success which had been in some measure wanting up to this time, to arrange all the complications of commercial affairs, and to provide continually that increasing scope for their operation, which the increase of our powers demanded. He feared, however, that to adopt the policy which the noble Lord then recommended would not afford this consolation. The Motion was called a practical one; look then at the actual condition of the affairs of the world. Look to Russia, which he would mention first, because his constituents were greatly interested in that trade. If the principle of reciprocity were safely to be disregarded, he did not see what there was now to prevent a great increase in that trade; so many ships would not go out only in ballast to St. Petersburgh; it would not be boasted in the state *Gazette* of St. Petersburg, as he had seen it, that taking two decennial periods, from 1814 to 1824, and from thence to 1834, there was an increase of vessels arriving in Russian ports in ballast, to the amount of 5,000 ships. That was stated by the Russian government writers, according to their notions, as an evidence of the prosperity of the Empire and the soundness of their commercial system. They thought it suited them, but did it suit us? No; for we were driven about from country to country, in order to buy something which did not come under the prohibitory duties of Russia, which overrode our manufactures, and we were subjected in our intercourse with that country to all the [disadvantages of an indirect trade. Now, we should speedily be in the same position with all the world, if we did not regard as important the principle which the noble Lord would discard from the consideration of practical men. He was not, indeed, so much an advocate for reciprocity, as to say that we were to retaliate the Russian tariff. No; but why? The great bulk of our imports from Russia consisted of raw materials, afterwards used in our processes of re-production, in the production, one way or other, of those manufactures with which we had to go to the markets of the world, and to trade. That was a sufficient ground for not regulating our Tariff by the Russian one, but that afforded no general support to the general proposition of the hon. Member. Take, then, the case of France, where the noble Lord, in despair of a Commercial Treaty, would have us regulate our own Tariff without the least regard to theirs. If there were any productions of France—oils or otherwise—which could be of use in advancing our manufactures, and on which the present duty required to be reduced, he would say at once reduce it; let such articles be received in the English Custom-houses at no duty at all, or at the lowest practical rate of revenue duty. If, again, there were any commodities of France in the importation of which the smuggler defeated the fair trader, and so subjected to disadvantage equally the revenue and the British producer, then he would say, upon the principle of the right hon. baronet (Sir R. Peel), developed in that great course of practical education he had given them two years ago, reduce that rate of duty, irrespectively of the duties of France, because in that case it is the smuggler that you have to contend with and not the foreign Government. But take the case of French brandies and French wines, which it was often said we should take at lower rates, upon the principle maintained by the noble Lord. If we sent cloth to Bordeaux in exchange for these, and suffered that cloth to be unfavourably taxed to pay a heavy rate of duty before it was admitted into the foreign market, the rate of duty must fall somehow upon the labour which produced that cloth. We should have to pay increased quantities of the cloth in order to buy the wine, and, therefore, however, the wine-drinker might enjoy his commodity at a cheaper rate, the cloth manufacturer would be taxed for his enjoyment. And this was the answer (well put in a number of the *Foreign and Colonial Quarterly Review* last autumn), to those who said, with the noble Lord, that broad considerations of public and general advantage dictated a disregard of foreign tariffs, and the adoption of some such vague sweeping proposition as was then before the House, by which all means of ever moderating those Tariffs would be thrown away. Then look at America—the hon. Member for Stockport advocated the disregard of the American Tariff, or of any treaty with America, in respect of corn. But if we did this, and if we cared not for treaties with America, and if the hon. Gentleman had his corn at his command brought in duty free from the wide regions of the Mississippi; and if, by means of this he had diminished his cost of production, which was his object, and then thought himself in a better condition to meet competition for his cotton goods in the markets of America, what was to hinder the Americans, bound by no treaty, by no stipulations, from immediately raising their duties, already 30 to 40 per cent. to 100 per cent; or such a rate as would countervail the advantage which the hon. Gentleman would thus vainly strive after, and would vanish as soon as it was attained. The noble Lord talked of imports and not exports being the measure of national prosperity, but surely the rate at which we were to buy the imports was of some consequence in this argument. The imports were bought by the exports, and if those exported goods were to be liable to hostile tariffs more and more, by dint of disregarding treaty stipulations, it would have some sensible effect upon national prosperity measured by the noble Lord's own rule. He well remembered what was said on this subject in 1833, by a Gentleman of great authority, now in the other House of Parliament—by one who had rendered great services to his country—but perhaps never more so than when he had stated in either House of Parliament the result of his manifold, long-continued, and various experience—he meant Lord Ashburton. He well remembered hearing that noble Lord arguing in favour of the principle now attacked, as it was attacked then, and when the President of the Board of Trade of that day (Lord Sydenham) taunted him with a paragraph in the celebrated London petition of 1821, which had been drawn up by Mr. Tooke, and presented and vehemently supported by Lord Ashburton, he replied that paragraph had not, in his own sense, nor in the sense of the other London merchants, anything like the vague meaning which was attempted to be given to it; but that it strictly applied to a vast and incredible amount of impediments to trade, which had grown up during the war, and which it was proper in the newly-restored and happier state of things to remove. Shew him (Sir J. Hanmer) such impediments now, and his aid would not be wanting to remove them. The noble

Lord, however, (Lord Howick) had said something derogatory to the position taken up by those who, desiring the extension of commerce, and not seldom speaking in its behalf, yet suffered themselves to be stopped and impeded as he thought, and who were not prepared to adopt what he called practical policy. The practical nature of the policy was denied; but upon this subject, he would for himself say, that he was well aware of all those deep-rooted necessities which pressed on the consideration of the extension of the commerce of the country. He knew the increase of the population; he knew the want of employment; he knew the effect of competition of labour, and of capital, compressed into too narrow a sphere. He was anxious ever to extend the scope, and so to lessen the pressure, and standing there himself a landed proprietor, but possessed of no inconsiderable share of the confidence of one of the great industrious communities of the country, he had given no narrow consideration to these things. But he did not agree with the noble Lord, nor did his constituents agree, that to disregard the tariffs of foreign countries was the wise and practical mode of advancing the prosperity of our own. He always had a respect for the noble Lord, on account of the clear and forcible way in which he advanced his arguments, but they were not well-founded, and must receive his opposition, for it mattered little whether we should follow the semi-barbarous policy of Turkey, and discourage exports altogether, or whether we suffered them to be discouraged, by neglecting the tariffs by which they were to be received by foreign powers.

Mr. *Hume* said attempts had already been made to accomplish the extension of our commerce by the ordinary mode of concluding reciprocity treaties; these had been continued for some years, but without success, and the House was now asked to say whether the mode proposed by his hon. Friend was not better. It had never been said that we were not placed at a disadvantage by the conduct of those foreign nations who levied high duties on our exports, nor that a treaty of complete reciprocity would not be beneficial. But the question was, would the House maintain our present system, which prevented us from doing any thing to extend our commerce, or try another method by which something might be gained, and by which we might obtain concessions from countries that now would not consent to them. Look at the effects of our present system. Four years ago Government agreed to receive French brandies at a duty of 14*s.* a gallon, instead of 22*s.* 6*d.*, and wine at 3*s.* 6*d.* instead of 5*s.* 10*d.*; but in consequence of the occurrence of some political fracas, the treaty was broken off, and we had consequently been deprived during all that time of the benefits which it would have secured to us. To pursue this system, was to make the legislation of Great Britain, the greatest commercial country in the world, dependent upon that of its neighbours, perhaps the most paltry countries of Europe. We had agreed to a treaty with Portugal, by which the duty on its wines was to be reduced; but because Portugal would not admit our woollens at a certain rate, it was given up, and we had lost the advantages which the alteration would have conferred. We ought to act with reference to our own commercial and financial interest, and not that of other nations.

The hon. Gentleman was proceeding, when the House was counted out, and adjourned at a quarter to eight o'clock.

HOUSE OF COMMONS,

Wednesday, March 20, 1844.

MINUTES.] NEW WRIT. — For Hastings, *v.* Right Hon. Joseph Planta, acc. the Chiltern Hundreds.

BILLS. *Public.*—1°. Quarter Sessions (Cities and Boroughs).
2°. Mutiny; Marine Mutiny; Night Poaching Prevention.
Reported.—Masters and Servants.
Private.—1°. Hartlepool Pier and Port.
2°. Marianski's Naturalization.
Reported. — Guildford Junction Railway; Bolton and Preston Railway.

PETITIONS PRESENTED. By Mr. Mainwaring, from Denbigh, and 3 places, against Union of Sees of St. Asaph and Bangor. — By Mr. P. Miles, from Bristol, and Mr. W. Miles, from Bedminster, for Alteration of Poor Law Amendment Bill. — From Roscommon, for Relief from Assessment for Shannon Navigation. — By Mr. O. Morgan, from Abergavenny, and 5 places, in favour of Local Courts. — By Mr. Turner, from Chichester, for Prevention of Duelling. — By Mr. S. Crawford, from Aberdeen, for Withholding the Supplies.

INTERMENT.] Mr. *E. Turner*, pursuant to notice, put the question to the Secretary of State for the Home Department, whether the Government intended to submit to the House of Commons any general plan of Cemetery Interment?

Sir *J. Graham* said, that more than one question had been put upon this subject during the course of the present Session. He did not exactly understand the question put by the hon. Member, but he might state that it was not the intention of Government to prohibit interment in towns in ancient churchyards where the ancestors of those who had the right of interment there had been buried.

COUNTY CORONERS.] The Report on the County Coroners' Bill was brought up, and the Bill re-committed.

House in Committee.

Mr. *Scott*, on the sixth Clause, objected, that the effect of it would be to take away the right of election from those in whom it was at present vested, and place it in the hands of those who were qualified to vote for knights of the shire. He would, therefore, move for the omission of the words "knights of the shire," and the insertion of the word "coroners."

The Committee divided on the question that the words "knights of the shire" stand part of the Clause—Ayes 45; Noes 70: Majority 25.

List of the AYES.

Arkwright, G.
Bailey, J., jun.
Baskerville, T. B. M.
Beckett, W.
Bradshaw, J.
Buck, L. W.
Chute, W. L. W.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dickinson, F. H.
Divett, E.
Farnham, E. B.
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, Capt.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Hardinge, rt. hn. Sir H.
Hinde, J. H.
Irving, J.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Lascelles, hon. W. S.
Lawson, A.
Lincoln, Earl of
Lygon, hon. Gen.
March, Earl of
Marsham, Visct.
Miles, P. W. S.
Miles, W.
Nicholl, rt. hn. J.
Ossulston, Lord
Patten, J. W.
Peel, J.
Rendlesham, Lord
Russell, C.
Shirley, E. P.
Smith, rt. hn. T. B. C.
Spry, Sir S. T.
Sutton, hon. H. M.
Walsh, Sir J. B.
Wilbraham, hon. R. B.
Wyndham, Col. C.

TELLERS.

Pakington, T. S.
Knight, G.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Arundel and Surrey, Earl of
Bannermann, A.
Barclay, D.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, Capt.
Bowes, J.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Buller, E.
Butler, hon. Col.
Byng, rt. hon. G. S.
Cavendish, hon. G. H.
Colborne, hon. W. N. R.
Collett, J.
Crawford, W. S.
Davies, D. A. S.
Dawson, hon. T. V.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir C. E.
Duncan, Visct.
Duncombe, T.
Dundas, Adm.
Egerton, W. T.
Escott, B.
Ewart, W.
Fielden, J.
Fox, C. R.
French, F.
Gill, T.
Guest, Sir J.
Hall, Sir B.
Hanmer, Sir J.
Hawes, B.
Hay, Sir A. L.
Henley, J. W.
Hindley, C.
Hodgson, R.
Howard, hon. C. W. G.
Hutt, W.
James, W.
Johnston, A.
Kemble, H.
Manners, Lord J.
Marjoribanks, S.
Martin, J.
Morgan, O.
Morris, D.
Morrison, J.
Napier, Sir C.
Paget, Lord A.
Philips, G. R.
Plumridge, Capt.
Ricardo, J. L.
Rushbrooke, Col.
Smith, rt. hon. R. V.
Smythe, hon. G.
Strickland, Sir G.
Trelawny, J. S.
Troubridge, Sir E. T.
Wall, C. B.
Wallace, R.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Wood, Col. T.

TELLERS.

Scott, R.
Warburton, H.

House resumed. Bill reported. Report to be re-considered.

MASTERS AND SERVANTS.] On the question that the Masters and Servants' Bill be re-committed,

Mr. *Hawes* called the attention of the Government to the fact, that the Clauses were of a very large and comprehensive character, and gave to the Magistracy some extremely harsh powers.

Sir *J. Graham* said, that when the hon. Member had consulted him on the subject of this Bill, he had expressed an opinion that it would be well to bring into a focus all the Acts of Parliament relating to Master and Servant. He had understood that in doing so, the hon. Gentleman intended to extend to Magistrates a power as concerned work done under contract. To that he had no objection, and further, than that he had understood that the Bill would not alter the law. He had not had time, however, to read all the Clauses of the measure, and the hon. Mover could best state whether there was anything new in the Bill, or whether it was simply a re-enactment?

Mr. *Miles* said, that this Bill repealed all the existing Acts, and re-enacted their provisions, extending the power of Magistrates just so far as the right hon. Baronet had explained. He could assure the House, that he did not propose by this Bill to give any new power to magistrates.

Mr. *T. Duncombe* referred to clause 4, and observed, that a case occurred not long ago in which a female servant, employed by a farmer, had to go through the bed-room of a man-servant to her own room. She objected to do so—left her employer, and was taken before a magistrate, who said it was his duty to execute the law—and committed her to prison. He did not think any magistrate, who did not consider it compulsory on him to carry into effect the law, would have imprisoned a woman who absented herself from her employment for such a reason; and he thought some provision ought to be introduced into this Bill to meet such cases.

Mr. *Miles* wished to make the law as stringent with regard to the master as the servant.

Bill to be re-committed.

House in Committee.

On clause 1,

Mr. *D. Barclay* said, he had given notice of an Amendment on the Clause relating to domestic servants. It was not his object to give masters and mistresses more power over their servants than they already possessed, but to afford greater facilities to servants for the recovery of their wages. At present domestic servants had no means of recovering their wages by summary process; and he wished to give power to Magistrates in petty sessions to adjudicate on such cases. He proposed to give this power only to Magistrates in petty sessions, in order that no abuse might take place. He made this proposal, in consequence of strong representations he had received from the mayor and magistrates of Sunderland, pointing out the hardship which, in this respect, resulted from the existing law. They stated, that the sudden discharge of female domestic servants placed them frequently in circumstances of great misery and destitution, and, in many cases drove them to prostitution. He would therefore propose after clause 9, to introduce these words—

> "Be it further enacted, that the provisions of this Act shall authorise magistrates in petty sessions assembled, and they are hereby authorised, to act in cases of disputes between masters and mistresses and domestic servants, with respect to claims for wages and other compensation for services rendered by such domestic servants."

Sir *J. Graham* suggested to the hon. Member that he should now allow the Bill to go through Committee, and gave notice of his intention to propose such a Clause, on bringing up the Report. The Clause might then be printed, and he (Sir J. Graham) would give it his best consideration. He thought, however, that the limitation of the jurisdiction of magistrates, as proposed by the hon. Member, to cases of disputes as to wages, being so far in favour of the servants, might form some ground of objection to the Clause.

Clause agreed to.

House resumed.—Committee to sit again.

House adjourned at half-past Seven o'clock.

HOUSE OF LORDS,

Thursday, March 21, 1844.

MINUTES.] BILLS. *Public.*—2^{a}· Ecclesiastical Courts Bill.
Private.—1^{a}· Lancaster and Carlisle Railway; Rochdale Gas.
Reported.—Spartali's Naturalization; Lascaridi's Naturalization.
3^{a}· and passed:—Nugent's Naturalization.

PETITIONS PRESENTED. From Dissenters of London, against Dissenters' Chapels Bill.—From several places, against Union of Sees of St. Asaph and Bangor.—By Lord Stradbroke, from Dalham, against Alteration of the Corn Laws.—By Lord Redesdale, from Morpeth, and other places, in favour of Agricultural Protection.—From Thomas Whitmore, against Ecclesiastical Courts Bill.—By the Marquess of Normanby, from Mary Willidge, complaining of Board of Charitable Bequests.—From Relations of James Potter, for Inquiry.—From Waterford, for Amendment of Municipal Corporations Act.—From Newfoundland, for Inquiry into the State of Ireland.

THREE-AND-A-HALF PER CENT. ANNUITIES BILL.] Lord *Campbell* rose to call the attention of the House to what he considered to be one of the most unreasonable occurrences he ever recollected in Parliament. He alluded to the unjustifiable delay in giving the Royal Assent to the Three-and-a-half per Cent. Annuities Bill, a Bill which was read a third time and passed in their Lordships' House on Tuesday last. The operation of that Bill affected no less than 250,000,000*l.* of the debt of this country. By that Bill certain terms were offered to the parties holding the stock to induce them to consent to the proposition made by Government for its conversion; in the event of their dissenting from that proposition, the Bill reserved to them the right of expressing that dissent, and they were to be paid at par. The clause in the Bill for that purpose provided that dissents should be signified on or before the 23d day of this present month of March. He guessed, from what had fallen on a former occasion from a noble Earl (Ripon) not then in his place, that it would be inconvenient to allow a long period to elapse between passing the Bill and the term in which dissents should be signified. But surely some fair portion of time should be allowed for that purpose, otherwise it was a pure mockery. The Bill was read a third time (the Committee having been negatived,) and passed on Tuesday last; and he had no doubt that Her Majesty's Ministers would have advised Her Majesty to issue a Commission to give the Royal Assent to the Bill on Wednesday. Had that been done, Thursday, Friday, and Saturday would have been allowed to the public for expressing their dissent; but there had been no Commission on Wednesday, and the Bill could not receive the Royal Assent, or become the law of the land, until to-morrow, if Her Majesty should be pleased to issue a Commission for that purpose. This Bill dealt with a sum of 250,000,000*l.*, and affected the interests of 100,000 shareholders. It could not become law, it could not receive the Royal Assent till some time to-morrow, which would leave only a few hours for the 100,000 stockholders, many of whom resided a great distance off, to notify their dissent. If the terms had been ever so unfavourable, no opportunity, beyond a few hours on Saturday, was afforded for the expression of dissent. The terms offered by the Government on this occasion were, no doubt, liberal, and the dissentients were likely to be few, if any; but an opportunity ought to have been given the parties concerned to consider whether they would accept of those terms, or prefer being paid off at par. Proper forms ought to be adhered to in important matters of this kind. The same thing might be done, under different circumstances, when some future Minister might wish to reduce the National Debt, and who might offer such terms that parties might be desirous of being paid off; and the stockholder be thus deprived of the opportunity of expressing his dissent. It might in that case be said, that in the month of March, 1844, 250,000,000*l.* were dealt with in this manner:—The Bill authorising the alteration did not receive the Royal Assent till four o'clock on Friday, and Saturday alone was given to the stockholders to intimate dissent. This was a most dangerous precedent; and he called on their Lordships to consider whether it would not also expose this country to misrepresentation among foreign nations. They had always prided themselves on keeping strict faith with the national creditor; but would they consider that faith was kept with the public creditor, when an opportunity was denied to him for the expression of dissent, and when it might, in consequence, be almost said that he was compelled to accept the terms offered to him? This had happened very unfortunately and very unnecessarily, and he wished for an explanation of the delay which had occurred.

The *Lord Chancellor:* I can only say, that I intended to have a Commission on Thursday (this day), but I received an intimation from the House of Commons, that it would be more convenient to-morrow. Although in point of law there could be no dissent until after the Bill had received the Royal Assent, yet practically dissent in three cases had been given, and, he believed, more were not expected.

Lord *Campbell* said a specific mode was pointed out for expressing dissent. That course alone could be pursued, and it could not be effected till the Bill had received the Royal Assent. The time, therefore, for dissenting was confined to a few hours on Saturday, while the Bank Books were open.

Lord *Monteagle* believed that no practical inconvenience was likely to arise from this delay, because he thought that the terms were, on the whole, so advantageous to the shareholders that there would be very few dissentients. But the question was, whether the course taken by the Government in this instance was exactly fair to the holders of this stock; and whether, if it were adopted on other occasions of a similar nature, it might not operate most disadvantageously to the holders of stock? In that point of view, the subject was certainly one of much importance, and he was glad that his noble and learned Friend had called their Lordships' attention to it. It was a transaction in which the Government were releasing the State, on certain conditions, from obligations previously contracted by the State, and every part of the agreement with the stockholders ought to be fairly carried out. He was glad that the subject was mentioned now, that parties hereafter might not be led to apprehend that a course would be taken that might be likely to prejudice their interests.

Board of Charitable Bequests—(Ireland).] The Marquis of *Normanby* had, he said, three Petitions to present; and to one of these he was particularly desirous of calling the attention of the noble Duke opposite. He had already referred to the constitution of the Charity Boards in Ireland, and he had now to show a neglect of duty on their parts. Such neglect was stated in the Petition that he then held in his hand. He did not mean to go into all the particulars detailed in that Petition; but the facts were briefly these:—The Petitioner stated that Thomas Willdridge, in the year 1810, bequeathed the profit rents of certain houses in Dublin, to be distributed amongst the poor of Dublin. The money to be so distributed, was 1,000*l.* a year. A suit in Chancery had been instituted for the purpose of ascertaining whether certain towns were included in the bequest. A receiver was appointed in the year 1822; his conduct was complained of, and in 1828 there had been a final decree; but from 1828 up to this time there had not been one step taken by the Board of Charitable Bequests to apply the money so bequeathed for the benefit of the poor of Dublin to its proper object. It was reported by the Master, in 1840, that there was not more than 1,000*l.* now in hand, though it was declared by the next of kin that the rents received amounted to 24,000*l.* Not one step had been taken since 1828, so that up to this time 23,000*l.* had been squandered, and there was only 1,000*l.* in hand. If the facts contained in this Petition were correct, he could not but contrast the zeal exhibited by the members of this Board, in what they conceived to be the cause of orthodoxy, which zeal interfered with the education of seventy poor children, who were receiving a system of instruction sanctioned by the clergyman of a parish—he could not, he said, but contrast the zeal where so small a sum as 7*l.* 10*s.* was involved, with the neglect exhibited for the receipt of 1,000*l.* a year, when that sum was to be allocated for the benefit of the poor of Dublin.

The Duke of *Wellington*: Let me have a copy of the Petition.

Ecclesiastical Courts Bill.] The *Lord Chancellor* said, that he now rose to call their Lordships' attention to the Second Reading of the Ecclesiastical Courts Bill. This question had, at different times, been submitted to their Lordships' consideration. There was little of novelty in it, and in what he should have to state on the subject, in pointing out the general scope and nature of this Bill, it would not be necessary for him for that purpose to occupy many minutes of their Lordships' time. It might be convenient, however, that he should call their Lordships' attention for a short time to the history of these proceedings. It would be in their recollection, that in the year 1829, a Commission was appointed to consider the constitution of the Ecclesiastical Courts, and the general administration of justice by those tribunals. He had the honour, as a Member of His Majesty's Government at that period, of proposing the appointment of that Commission. The Commission made its report in the following year. The Commissioners consisted of several right rev. Prelates, some of whom were now present, and of many eminent persons in the various Courts of Law and Equity, and in the Ecclesiastical tribunals of this country. They considered the subject very fully and very minutely, and the result of their labours was a very comprehensive and talented report, drawn up with great ability and great judgment as he, (the Lord Chancellor) had reason to believe, by the Judge of the Consistorial Court, and that Report was afterwards presented to the House. Nothing was done immediately upon the recommendation of that Commission; but in the year 1833, a Committee of the House of Commons was appointed, for the purpose of again investigating the subject. The Report of the Commission was submitted to its consideration, and some of the Members of the Commission were examined before it as witnesses—he should mention particularly his late noble and learned Friend Lord Tenterden, and the present Chief Justice of the Court of Common Pleas. That Committee made its Report, corresponding, however, not entirely with the Report of the Commission, but in substance it accorded with that Report. In consequence of these proceedings, and the inquiries which formed the source of them, a Bill was introduced into that House by his noble and Learned Friend (Lord Brougham) who at that time held the Great Seal. The object of that Bill was to carry into effect the Report of the Commission. He (the Lord Chancellor) did not know precisely for what reason, but the fact was, that that Bill, after it had proceeded to a certain stage, was not prosecuted further. In the year 1835, after his noble and learned Friend had left office (he thought he was correct in that respect) the same Bill or a similar Bill with some alterations and modifications, was presented by another noble and learned Friend, who, in introducing it, made a very full statement of all the circumstances which had led to the proposed alteration of the law. Nothing, however, took place on that Bill, and he presumed for this reason, that almost contemporaneously with the bringing in of that Bill, Sir F. Pollock, who by that time had succeded to the office of Attorney General, had brought in a Bill on the same subject in the House of Commons. He said that Sir F. Pollock asked leave to bring in a Bill. Whether or not, that Bill was brought in in consequence of the permission which was given, he was not in a condition to inform their Lordships; but almost immediately afterwards that hon. and learned Gentleman resigned his office, and afterwards his noble and learned Friend who was now sitting at the Table (Lord Campbell), and who succeeded to the office of Attorney General in the Government which was then formed, he also introduced a Bill corresponding in substance, or nearly so, with the Bill which had been brought in or suggested by his predecessors. That Bill was brought into the House in June. It was founded not entirely on the Report of the Commission, but rather on the Report of the Committee of the House of Commons, which deviated from the Report of the Commission in a particular to which he should presently have to call their Lordships' attention. Though that Bill was introduced in the month of June 1835, and although Parliament continued its sittings until the month of August in that year, no further proceedings took place in respect of it. Why that course was pursued by his noble and learned Friend he was not in a condition to explain. He apprehended that his noble and learned Friend felt some difficulties in his way; which induced him to abandon the measure for that Session. In the following year, 1836, the noble and learned Lord who preceded him in office (Lord Cottenham) introduced a similar Bill into this House. That Bill was read a first, and was read a second time and it was referred to a Committee, and a Report was made on it; but owing to some cause which his noble and learned Friend had not explained to him, and which he was, therefore unable to communicate to their Lordships, that Bill proceeded no further. That measure was also abandoned, and he (the Lord Chancellor) apprehended that it was abandoned in consequence of some difficulties which his noble and learned Friend anticipated in some other place, for considering the important nature of the subject, he was convinced that his noble and learned Friend would not have abandoned it, unless he felt it to be impossible to carry it through Parliament. Thus the matter rested. His noble and learned Friend during the time that he continued in office, until 1841, never resumed that measure, and he (the Lord Chancellor) could only explain that course of proceeding on the part of his noble and learned Friend in this way—for, knowing what he did of his industry and his desire to accomplish every improvement in the law which he thought practicable, it must have been from the conviction on the mind of his noble and learned Friend, that it would be impossible for him, with any reasonable prospect of success, to have carried that measure into law. This brought him to the last attempt which had been made by the Legislature on this most interesting and important subject. He meant the proceedings which took place in the other House last Session. A Bill, in part the same, extending as far as the measure of his noble and learned Friend's did, was brought into the other House of Parliament under the auspices, in fact, by a Member of Her Majesty's Government. That Bill was debated on the Second Reading with great ability on both sides. An adjourned debate took place, and though the Second Reading was carried, the circumstances were such as, he had reason to know, to make it impossible to carry the Bill in the shape in which it had been presented to the House. It was modified for the Committee—alterations were made—essential alterations in the structure of the Bill, to which he should have to advert, were made, and it was referred *pro formâ,* to a Committee, but the Session had arrived at such a period that it was impossible to carry it through that Session of Parliament, and the measure was not further proceeded with. Under these circumstances, he now felt it his duty to submit that measure, so modified, to their Lordships' consideration. He had thought it important to give this history of the Commission—of the Committee of the House of Commons, and of the various attempts that had been made by various Administrations, and in both Houses of Parliament, to carry into effect the recommendations of the Commissioners. These attempts had hitherto failed, but he was desirous of carrying these recommendations into effect (though he believed it was impossible to carry all their recommendations into effect), and he wished to go as far as he could towards reforming the jurisdiction of the Ecclesiastical Courts by carrying into effect the Report of the Commissioners. He thought that their Lordships would concur with him in thinking, that nothing could be done for the improvement of the Ecclesiastical jurisdiction beyond that which he could now recommend to their adoption. If they thought that the measure was good—if they thought that any advantage would be derived from the proposal, he entreated them not now to reject it, because it did not, at first sight, appear to accomplish all that they were desirous of obtaining. He would now call their attention to the details of the measure. They were simple, but some of them were very important—first, with respect to the constitution of the Ecclesiastical Courts, it was proposed by this Bill to carry into effect the recommendation for the union of the Archiepiscopal Courts, which were known respectively by the names of the Arches Court and the Prerogative Court. This recommendation had proceeded both from the Commission and the Committee of the House of Commons. Nothing could be said in objection to this proposal, at least, as he apprehended. These two Courts were presided over habitually, though not necessarily, by the same Judge, they were attended by the same Bar, they were held in the same hall, and, for all practical purposes, they must be considered one Court. They were, however, at present, distinct Courts, and by uniting them a great advantage would accrue to the public. As long as they were divided these Courts had two sets of magisterial officers, but, by uniting them one set of officers would be dispensed with, and this would tend to release the public from a considerable charge, and, therefore, he apprehended there could be no objection to this proposal. He proposed also by this Bill to adopt the same course precisely with respect to the Courts at York. These Courts were subject to the same objection. This also was recommended by the Commissioners. He proposed, therefore, that there should be one Archiepiscopal Court at York, and one Court of the same description at Canterbury. The next point was the Diocesan Courts. Their Lordships were aware that every Diocese in the kingdom had a Court for Probate and for contentious jurisdiction in Ecclesiastical matters. These Courts were coeval with the existence of the British Constitution. Justice had been administered in them in all times in the matters to which he had referred. He proposed that these Courts should be continued. It was recommended by the Ecclesiastical Commissioners, on the contrary, that they should be abolished. It would be for their Lordships to say whether they would sanction a Bill for continuing these ancient tribunals of the country. It was said, that they imperfectly performed their duties; that they were not presided over by persons qualified to administer justice, and various objections were taken to their constitution. It did not appear to him to be a satisfactory reason to say that these ancient Courts should be abolished because some abuses might have crept into them. If the persons who presided over them were not duly qualified, in reference to the law which they had to administer, it was competent for their Lordships to rectify that evil. If there were any other imperfections in the working of these Courts, would not the same remark again apply? There could be no reason for abolishing these local Courts, which had existed for so long a period, if, by removing the present abuses and imperfections, they could be rendered competent to discharge all the duties with which they were entrusted. It was a part of this measure, not merely to continue these Courts, but to render them more efficient, by appointing individuals to preside over them duly qualified to administer the Ecclesiastical Law—either Advocates properly qualified or members of the other Courts of Justice in this country, duly qualified to administer justice impartially and correctly between the suitors in these Courts. This was one of the objects of the Bill, and he intreated their Lordships to consider well before they consented to abolish these tribunals; and, at all events, before they did so, to be thoroughly satisfied that they could not remodel them so as to make them advantageous for the public. Was there no alteration in the constitution of these Courts—no change in the character of the individuals who would preside over them—could no amendments be made which would make them more efficient for the purpose for which they were established? If they thought that this could not be effected, why then abolish them; but if, on the other hand, on a consideration of the whole of the proceedings, they should be of opinion, that with persons qualified to preside over them, and with proper subordinate officers, justice could be impartially and effectively administered by them, he must call upon their Lordships to continue these tribunals. There was another set of Courts very widely scattered throughout the kingdom, which he must class under the general description of Peculiars. Some of these either belonged to the Crown, some to the Archbishops, or to the Bishops, or to Deans, or to Rectors, or in some instances, even, to private individuals. These Courts were in number between 300 or 400. They were scattered all over the country, exercising the same jurisdiction, but restricted within narrow and confined limits. The objection to them was, that they had so little business—that the emoluments derived from them were so small—that it was impossible that they could be presided over by persons competent to administer justice properly between the suitors; it was also impossible to expect that the ministerial officers themselves could be well qualified, for it required a considerable degree of practice and experience to qualify parties for the discharge of ministerial duties in the administration of this branch of the law. These Courts had jurisdiction in granting Probates—in granting Letters of Administration—and as to all the contentious jurisdiction belonging to the Ecclesiastical Law. In many instances, in granting Probates or Letters of Administration, there was no controversy whatever—there was no contest—and consequently there was no person to watch the proceedings; there was no person to check any irregularity, or to inform the officer where he was ignorant. There might be what was called "truth in the common form," but the proceedings were *ex parte*. Ignorance on the part of the officer might, therefore, to a most important extent, affect both the rights of property and the rights of parties. But on this point he need not enter more into detail. His proposal was, to abolish all these Courts. This proposal had been recommended by the Commissioners; it had formed part of every Bill that had been introduced on the subject, and he was sure that their Lordships could have no objection to it. Then how would the system stand? In appearance, at least, he must submit most admirable. In every diocese throughout this kingdom there would be one tribunal for the purpose of dispensing law, for the purposes which he had mentioned. In the provinces of York and Canterbury there would be appellate tribunals, which would keep the law steady and uniform. That was the system which he recommended, and if they could get the law well administered, and if they could get able judges, as the heads of these tribunals, it did not appear to him that any superior system could be established. He must admit that in what he was now stating he was acting adversely to the opinions of the Commissioners, to the opinions of the Committee of the House of Commons, and to the sentiments of many persons for whose views of the subject he entertained the very highest respect. What, therefore, he stated, he stated with some hesitation. He did not give his opinion as one which ought to outweigh the opinions which he had referred to, but he was stating that if he had the power to abolish these Diocesan Courts, he ought to consider for a longer time whether by so doing he should be adopting a reasonable course of proceeding. But he had no such authority—he had no such power. He knew a noble and learned Friend of his who would support him. He meant his noble and learned Friend at the Table (Lord Campbell). He was proud to believe that, for he knew no man more steady, more constant, more firm, more unwavering, in any opinion which he had once deliberately expressed, and expressed after opportunities of full deliberation and inquiry, than his noble and learned Friend; and he knew that his noble and learned Friend, when Sir F. Pollock, as Attorney-General, brought in this Bill, one object of which was to abolish these Diocesan Courts, that proceeding was protested against by his noble and learned Friend. His noble and learned Friend said that he never could consent to such a course. He said that the systems of centralisation might be carried too far; that these courts were of great accommodation, and a great facility to persons residing in the provinces, and that to bring all the proceedings to London would be a dangerous and mischievous measure. He knew, from the usual sources of information, that his noble and learned Friend made use of these expressions. He also knew from communications which he had had with persons who were present in the House at the time, that these were the sentiments expressed by his noble and learned Friend—and as he had before stated, he had so much experience of the constancy of his noble and learned Friend—of his firmness and his devoted perseverance in any opinion which he had once held, that he was convinced he should receive his support in carrying the measure which had been introduced to-night. But it was not upon the authority of his noble and learned Friend alone that he rested his support of this measure. He referred to another authority—he meant the authority of Lord Stowell, than whom there could be no greater authority in this country—a man who was most deeply learned in Ecclesiastical Law, and who was most profoundly conversant with every part of this subject. He thought that he (the Lord Chancellor) was in the House of Commons—he knew that one of his noble and learned Friends was—when Lord Stowell introduced his Bill on this subject; and what were the objects of that Bill? He proposed to maintain the Courts of the two Provinces and the Diocesan Courts, but he proposed to abolish all those Courts he (the Lord Chancellor) had designated under the general name of Peculiars. In fact, it was an outline of the Bill which he was now submitting to the House. There was really something whimsical in the course which was pursued by those persons who were opposed to the continuance of these Diocesan Courts. He heard on every side clamours for local tribunals, for bringing law and justice to every man's door. Here they found a system established which accomplished that object in reference to one important branch of law. That was the system established, and they were asked to proceed in an inverted order, and to abolish these Courts. Instead of altering these local tribunals they should endeavour to reform them. Make the experiment. As wise statesmen and legislators they should not overturn that which was established until they were satisfied that they could substitute for the existing system something better. He had had some experience—he had seen systems overturned, and other systems adopted in lieu of them; but in few instances had been realised the views of those who supported the alteration. Such was the infirmity of human nature, difficulties, objections, and obstructions which had not been before anticipated, and had not been guarded against, were found to attach themselves to the new system, which generally in its details was found to work imperfectly and disjointedly, and the measures which were found necessary to adjust it, the trouble, the time, the expense, and the anxiety, if applied to the old system which had been subverted, would in most cases have accomplished the object wished for more completely, more satisfactorily, and, in all probability, with less trouble and expense. He had thus stated shortly what the nature of this Bill was, as far as related to the alteration of the jurisdiction. He had stated the limits within which it was proposed to confine it. He must state that it was not open for him to decide in his own mind which was the best system, for he was satisfied that the system recommended by this Bill was the only one that was practicable. An attempt to do more might frustrate the object that they all desired, and they ought not, like froward children, to reject that which was offered to them, because there was something else which it was impossible for them to obtain. He would now state the minor objects of the Bill, which, trifling as they might appear, were really of considerable practical importance. One point recommended by the Commissioners was the alteration of the law with respect to "donatives." Their Lordships were aware that, in reference to a donative the Clerk was appointed to the Church by the authority of the grantor. It was not at all necessary that he should be presented to the Bishop, for institution or induction, and, when he was presented to the Church, the Bishop had no authority over him, and he was not bound to attend to the visitation of the ordinary. One of the objects of the Bill, therefore, was to place donatives on the same footing as "presentative benefices." This would make the system more uniform, and there would be no person in the Church who would be exempt from the jurisdiction of superior Ecclesiastical authority. Another subject to which the Bill referred was that of Tithes. Their Lordships knew that the Ecclesiastical Courts had jurisdiction with respect to Tithes. It was, however, a very limited jurisdiction, and it was one subject to the constant interference of the Courts of Common Law, and great inconvenience was unavoidably the consequence. It was therefore proposed, in conformity with the recommendation of the Ecclesiastical Commissioners, to take away this part of their jurisdiction, for the cases relative to Tithes which could come before them had already been greatly reduced by the operation of the Tithe Commutation Act. Another subject to which the Bill related was the power of sequestration. The object of the Bill was to give relief to all those difficulties and obstacles which beset that branch of the Ecclesiastical Law; and to put the whole system in that respect upon one simple and intelligible footing. He had now stated all the alterations proposed to be effected by the measure. The main question upon it would, he was aware, arise on the subject of the Diocesan Courts. But with respect to another subject which he considered of the greatest importance, and which had just been suggested to him by his noble and learned Friend near him (Lord Brougham)—namely, the system of *bona notabilia,* he should take leave to add a few words. By the Ecclesiastical Law, as it at present existed, any tribunal granting the power of Probate to a Will within the limits of its jurisdiction, was powerless if the testator left any sum above 5*l.* in any other jurisdiction, and the parties to whom the devise was made would have to apply to the Prerogative Court. That course was attended with great inconvenience and expense—and that inconvenience was all the greater, because a Probate granted in ignorance of the fact would be altogether void for the parties. There was no disposition on his part to disguise that fact. But there were at present 350 Courts of Peculiars, to each and all of which that difficulty applied, and from which that mischief resulted. All these, however, were proposed to be swept away by the Bill before their Lordships, and the jurisdiction in the matter of *bona notabilia* confined entirely to the Courts of the Diocese, each of which was to have it over a great extent of country. His noble and learned Friend (Lord Cottenham) had said, that there were nice questions of law sure to arise on the subject of *bona notabilia,* but he (Lord Lyndhurst) could not agree with him on that point. Nice questions as to fact might arise he would freely admit, but all questions of law which could arise on it had been long since settled by a variety of decisions. The only difficulty, therefore, would be, as to the facts; as there would be none as to the law. He (Lord Lyndhurst) admitted that the way to get rid entirely of the inconvenience that existed respecting *bona notabilia* would be to abolish altogether the jurisdiction of the Prerogative Courts. But then the question arose whether, in doing so, too high a price would not be paid in proportion to the advantage that would be gained by the community. Frankly he was of opinion that such would be the case. With the Bill which he had introduced to their Lordships, he did not think that the evil complained of in that respect would be felt to any great or serious extent; and, under any circumstances, he was of opinion that there were ways and means of averting it. For instance, it might be enacted, that if measures were not taken to set aside a Probate within a given time, that Probate should be considered in law as valid; and it might also be made law, that all acts of the party to whom such Probate was granted should be considered valid until that Probate had been set aside. Those provisions would correspond with the clause in the Bill by which all void or voidable Probates were to be sanctioned until they should have been superseded. Those were the views he (Lord Lyndhurst) took of the question. He was quite satisfied that the measure, as it stood, was advantageous and important to the public at large, and he, therefore, intreated their Lordships to pass it into a law. If their Lordships thought, on further consideration of the subject in Committee, that they could safely adopt the suggestions and plan contained in the Report of the Ecclesiastical Commission on the point last mentioned, it would be perfectly competent for them to strike out the clause affecting it, and substitute whatever else they chose in its place. But he advised them not to do so without exercising the utmost caution; and, above all, not to attempt it unless they were fully satisfied, after the most careful and diligent inquiry into the subject, that the Establishment of the Diocesan Courts on an enlarged and improved footing, was not advantageous to the community, and that these jurisdictions, by the appointment of able judges, were not capable of being made fit instruments in the discharge of their duty, namely, in administering properly the Ecclesiastical Law of the country. Under these circumstances, he should move the second reading of the Bill by their Lordships.

Lord *Cottenham* said, he had certainly felt some curiosity to know the ground upon which his noble and learned Friend was about to ask their Lordships to assent to the principle of the maintenance of all the Diocesan Courts, and when his noble and learned Friend stated that it was impossible to carry any other measure than that now proposed, he was more surprised, because it could not be for want of Parliamentary power either in that or the other House, that the Government would be prevented from carrying a different measure. There might be inconveniences and difficulties into which he should not further inquire, which made his noble and learned Friend unwilling to abolish these Courts, and even induced him to bestow a panegyric upon them, although condemned by everybody who had investigated the subject, at least for the last twelve years, for such was the effect of the report of the Ecclesiastical Commissioners, the real Property Commissioners, a Committee of the House of Commons, a Select Committee of their Lordships' House—all concurring in this, that the abolition of the Diocesan Courts was essentially necessary, and with a view to any real improvement in the administration of the Ecclesiastical Law. His noble and learned Friend had been a party to the inquiries that were made, and must have concurred in the opinions expressed. He must have been of the same opinion at the conclusion of the last Session of Parliament, and what had changed his opinion and converted him into a strenuous advocate of those Courts, he had not informed the House. Their Lordships were aware that the Ecclesiastical Courts had jurisdiction in all matrimonial questions, and over all testamentary documents and letters of administration, and in what way as the system existed, were these important questions decided? By 340 different Courts, not all having the same extent of jurisdiction, but all of them having jurisdiction of a similar nature in these important matters. His noble and learned Friend had stated good reasons why some of those minor Courts should not be allowed to exist; but his noble and learned Friend did not bear in mind that the same reasons which he had himself advanced for the abolition of the minor Courts applied to the Diocesan Courts, and that the panegyric which he bestowed upon the one ought to be extended to the other. The Peculiar Courts were ancient as well as the Diocesan Courts, and if antiquity was a merit, they possessed it in common. His (Lord Cottenham's) object was to show that the same reasons which made his noble and learned Friend condemn the small jurisdictions should lead their Lordships to the conclusion that the Diocesan Courts should also be abolished. He must call the attention of their Lordships to the extraordinary state of the law, although he was not prepared to say that a measure could be at present laid before Parliament, which would effect a satisfactory adjustment of the anomaly of which he complained, but which must sooner or later become a subject of legislation; he referred to the absurd distinction which existed with regard to the jurisdiction upon a will affecting land and one relating to money. The same document generally bequeathed both land and money, where the testator had any land at all; but not only were the tribunals which were to adjudicate upon the subject-matter contained in the same piece of paper different from the first, but while, with respect to money the probate of the will was conclusive as to title, a document bequeathing freehold land might be tried twenty or thirty times over, and in short without any limit, unless a Court of Equity interfered. So far, as regarded money, it was the subject of probate. The Ecclesiastical Courts had nothing to do with realties or freehold property; but money and leaseholds for years came under the jurisdiction of the Ecclesiastical Courts, and might be proved in solemn form—the judgment of the Ecclesiastical Courts against parties attempting to prove in that form being final against them, so far as money or personal interests were concerned. With respect also to freehold property, there existed no means of establishing a trust under devise by the Ecclesiastical Law; in such a case the Court of Chancery must be applied to for the purpose. These were not the only inconveniences that existed. The tribunals of appeal were different in the two cases. For if a question of law arose, whether real property should pass by a will, it ultimately came before that House; but if the question related to personal estate, it went before the Judicial Committee of the Privy Council, and there would probably be contradictory decisions upon the same document. He was not observing upon these points for the purpose of founding objections to the Bill upon them, because it did not profess to remove them; but he objected to establishing or new modelling thirty or forty courts having jurisdiction in wills relating to personality, being satisfied that it would be necessary, sooner, or later, to establish a principle upon which all wills should be referred to the same tribunal. He admitted, that some good would be done by abolishing the Peculiars, but he objected to new modelling the Diocesan Courts retaining to them the power they possessed over wills bequeathing personal property. Those matters had been fully considered by the Commission which was appointed under the Government of the noble Duke, which made its report in 1832. The time which elapsed between the period of the Commission being issued and the making of the Report, the body of evidence which had been taken, and the names of the eminent individuals who had been so properly appointed, entitled their recommendations to very great weight with their Lordships. There were upon the Commission the Archbishop of Canterbury, the Bishop of London, the Bishop of Durham, the Bishop of Lincoln, the Bishop of St. Asaph, the Bishop of Bangor, Lord Tenterden, Lord Chief Justice Tindal, Lord Wynford, Sir William Alexander, Sir John Nicholl, Sir Christopher Robinson, Sir Herbert Jenner, Sir E. Carrington, Dr. Lushington, and Mr. R. C. Fergusson. This combination of ecclesiastical and judicial authority, ensured a mass of information which would induce their Lordships to give the more attention to their Report. And what was their Report? The Commissioners stated, that although there might be some doubts as to some particulars, yet the Commissioners were united in the recommendations contained in the Report. And amongst these recommendations the first and primary one was the abolition of the Diocesan Courts. The Commissioners proposed in the body of the Report to retain the Provincial Court of York, making it the Ecclesiastical Court for the province of York; and the Provincial Court of Canterbury the Ecclesiastical Court for all the parts of the country which came under the jurisdiction of the see of Canterbury. But they stated in the conclusion that doubts were entertained whether or not it was expedient also to abolish the Provincial Court of York, and transferring the whole jurisdiction to the Court of Canterbury. Upon this the Commissioners expressed no opinion, but left it open for consideration. With respect to that part of the jurisdiction of these Courts to which his noble and learned Friend had last referred—the subject of *bona notabilia*—there could not be a greater grievance than the law upon that point; but like many other grievances it produced some good. The rule was at present, that if a person died and had property to the amount of 5*l.* in more than one Ecclesiastical Jurisdiction, either of them could grant a probate. What was the consequence? Not knowing where the whole of a man's property might be situate a probate might be obtained, and then, finding that he had 5*l.* worth of property elsewhere, there would be an end to the probate. There was hardly an estate of any value in the country which was not in some way or other affected by settlement. It was the constant habit to introduce into settlements terms of years for particular purposes, so that in investigating the title to an estate let their Lordships conceive the difficulty. There was a term of years, then the title could not be made good without getting in that term—then one must trace the representative of an individual; he would find that the deceased died in some particular jurisdiction in the country; could he then venture to administer to the deceased's estate, which he must do in order to get that term? If he did, he would get the term, and might then think perhaps that he was entitled to the estate, but subsequently finding that the deceased had been possessed of property of the value of 5*l.* in some other jurisdiction, he would have to set to work and go over the same ground. That constantly happened. The evidence given before the Commission was quite conclusive as to the extreme danger and the great expense attendant upon these investigations. All that arose from the doctrine of *bona notabilia*, and formed one strong leading argument for the abolition of the Diocesan Courts. The extent of the evil had led to the very general process of taking out a prerogative probate. The result of continuing the 380 separate jurisdictions where the property might be in different jurisdictions, was quite obvious; and the plan proposed by his noble and learned Friend was subject to the same objection, in cases where part of the property might lie in one jurisdiction, and part in another, for the expense and trouble which would attend such a case, under the proposed arrangement, would be quite as great as they were already. It would increase another grievance, for it would have a tendency to make people go to the Diocesan Courts instead of the Prerogative Court. The subject had been frequently enquired into, and the recommendations had been all of a similar nature. The Report of the Ecclesiastical Commissioners recommended the abolition of the jurisdiction of those Ecclesiastical Courts in matters affecting Legacies, in brawls in churchyards, in defamation, in incest, in adultery, and in Church-Rates. Now, this Bill appeared to have for one of its objects to give extended jurisdiction to

Ecclesiastical Courts in matters affecting legacies; but the only satisfaction he (Lord Cottenham) had, as regarded that proposal to extend the jurisdiction, was, that it would not be effectual, as the Ecclesiastical Courts would be incapable of exercising that jurisdiction. There were no complaints of the Equity Courts: Why share their jurisdiction with other Courts wholly incompetent to it? Before the Ecclesiastical Courts could act in the case of a legacy, the functions of a Court of Equity, which it did not possess, should be fulfilled—the debts of the testator should be got in—receivers should be appointed for the estate—the devise should be apportioned—and, in short, every thing should be done which it was incompetent for an Ecclesiastical Court to perform. If a legacy was charged upon land, they could not stir; and in marshalling the assets of the estate of a testator they could not move. Yet, the Bill of his noble and learned Friend contained Clauses continuing the power of interference in them, and even extending it in some instances? Having directed the attention of their Lordships to the very important jurisdiction which it was proposed to extend, he should now make an observation upon the proposal with respect to the Judges of those Courts. The Judges of those Courts were not appointed by the Crown as the Judges in the Courts of Law were, but by individuals, and the Bill did not propose to alter the mode of their appointment. Now it should be recollected that it might frequently happen that questions affecting some of the highest and most important interests in the country might be decided by those Judges; by Judges not acting upon authority derived from the Crown, or the Parliament, but appointed by individuals. If such great powers were to be given to Judges, then it was only just and fair that the public should have the protection that the persons appointed to the office, however respectable they might be, should not be appointed by individuals. The Bill proposed that the Diocesan Courts should be presided over by Barristers of a certain standing, which was certainly an improvement. It was proposed that they should hold their office during good behaviour, and to that he should certainly make no objection; but if there were grounds to believe that the conduct of any one of those Judges was not such as it ought to be, and that it would be expedient to remove him, how was it proposed to effect that object? it was proposed that he should be removed in the same way as the Judges of the Superior Courts of Law. How was that done? By an Address to the Crown, so that in such a case the Parliament would have to Address the Crown, praying for the removal of a Judge appointed not by the Crown, but by a Bishop. That must be the way in which it was intended to proceed, for he presumed it was not intended that the Parliament should Address the Bishop for the removal of the Judge. If the Judges were appointed, on the contrary, by the Crown, that absurdity would be obviated, and the public would have a guarantee in the responsibility of the Government to Parliament for the propriety of the appointment? That proposition, as regarded the appointment of these Judges, was made in several Reports on the subject of Ecclesiastical Courts; and there was a provision to that effect in every Bill that had been brought in since the subject had been enquired into until the introduction of the present Bill. The Commission appointed to enquire into Ecclesiastical matters made a Report on the subject in 1831 or 1832, and the Commissioners of Enquiry into the portion of it which referred to Real Property, had it also brought under their attention in consequence of the evils that had arisen from so many outstanding terms, which he before described to their Lordships. That Commission consisted of individuals eminently qualified to form an opinion, as their Lordships would see, when he described to them the men of which it was composed. His noble and learned Friend near him (Lord Campbell) was at the head of the Commission; there were two Masters of the Court of Chancery upon it, and there were four of the most experienced conveyancers in London also Members of it. No Commission could be composed of individuals better qualified to form an opinion than that Commission; and they all agreed in recommending one Court of Probate and Administration. He should also call their Lordships' attention to the recommendation of another Commission which, from its composition, might be looked upon as the highest authority. It was the Committee which was appointed by the House of Commons in 1833; and when he read the names of some of those who composed it, their Lordships would see the weight which any recommendation coming from it ought to carry. Sir J. Graham was at the head of the Commission; and amongst those who composed it were Sir Robert Peel, Sir Frederick Pollock, Sir John Nichol, Dr. Lushington, the present Chancellor of the Exchequer, and Mr. Abercrombie. Those were names which their Lordships would admit were deserving of the very highest respect. It was a Select Committee to inquire into the Jurisdiction of the Admiralty Courts, and the connection of some of these Courts with the see of Canterbury led to the inquiry affecting the subject now before them. In the report of that Committee they recommended the abolition of all the Diocesan Courts, and the appointment of a Court for the settlement of questions of Probate and Administration—it also recommended the abolition of the Jurisdiction of the Courts in the Diocese of York, and that the whole Ecclesiastical Jurisdiction should be placed in the Court of Canterbury, and that the Judge should be appointed by the Crown. That mode of appointment was approved of in the report of the Ecclesiastical Commissioners, and in the Report of the Real Property Commissioners. It would thus be seen by their Lordships that there was a large mass of authority in favour of the abolition of the Diocesan Courts. In 1836 there was an inquiry before a Committee of their Lordships' House upon the subject now before them, and in the same year he (Lord Cottenham) introduced a Bill, embodying the alterations that had been recommended. His noble and learned Friend (the Lord Chancellor) had expressed a considerable degree of curiosity to know what had become of that Bill which he (Lord Cottenham) brought in during the year 1836, and he would endeavour to satisfy his noble and learned Friend's curiosity on that point, or rather to assist his memory as to what had happened to the Bill. In 1836 he brought in a Bill for the purpose of carrying into effect the recommendation of the Ecclesiastical Commissioners, and on that occasion his noble and learned Friend, if he remembered correctly, moved to have it referred to a Select Committee. It was referred to a Select Committee, and his impression was, that it was referred to that Committee on the Motion of his noble and learned Friend (the Lord Chancellor)—he was confident, at all events, that it was not moved for by any noble Lord on the side of the House at which he (Lord Cottenham) was in the habit of sitting, a fact which would appear quite evident to their Lordships from the list of the names which composed the Committee. Out of twenty names, there were only six names of noble Lords who were in the habit of supporting the Government then in office. It was, however, immaterial from what side of the House they were selected for the purpose of instituting that inquiry, but it was a Committee which, like the others, consisted of individuals whose names were a guarantee of their ability to form an opinion, and of the respect which was due to their recommendation. Amongst the names on that Committee were the Archbishop of Canterbury, the Lord Chancellor, the President of the Council, the Earl of Devon, Lord Eldon, the Bishop of Lincoln, the Bishop of St. Asaph, the Bishop of Bangor, Lord Ellenborough, Lord Langdale, Lord Plunkett, Lord Denman, the Marquess of Lansdowne. The Committee, after frequent meetings, made a short report, from which he should read one or two passages. Before that Committee, as before all the others, there was an inquiry into the objections that were made to the abolition of the Ecclesiastical Courts. The objection was this:—It was said, that at present there was considerable advantage in cases where persons possessed of small properties died, as the next of kin or the representative could prove the will, or take out Administration, in the district near where the party so dying had presided. In cases of large properties, that argument could not have effect, for it was not to be supposed that such large properties could be confined to one Diocese, generally speaking; but then in such cases they were brought before the Prerogative Court. It was, however, alleged that in cases of small property, there was great public advantage in the power to prove the will or the administration near the place where the person had lived. The report of the Committee to which he was referring, adverted to the Report of the Ecclesiastical Commissioners, to the Report of the Real Property Commission, and to the Report of the Committee of the House of Commons on the subject; and having referred to those Reports, their Lordships' Committee stated that they were unanimously of opinion, that it was expedient that throughout England and Wales the Ecclesiastical Jurisdiction in Probate and Administration should be abolished, and that one Court should be established in London to be the only Court of Probate and Administration; and it was recommended also, that consistently with this alteration, arrangements should be made for securing to persons living at a distance from London all the convenience and advantages which they received from the Ecclesiastical Courts. It appeared from the Report of the inquiry respecting Ecclesiastical Courts that four-fifths of the cases of Contention were in Doctors' Commons, and that the greater part of the business was "common form" business—that was, when a person dies, the necessary and usual proofs were made and the Probate was granted, no one being called on to disprove it; but if it were afterwards disproved, application was made to recall it, the Probate standing, however, if not disproved. In the country an officer, called the surrogate, took the necessary proofs, being empowered to administer the oaths, and if there was no will he took the proof necessary for the granting of Letters of Administration, and having transmitted them to the higher authorities, the Probate or Letters of Administration were in due course returned. It was said, with reference to the appointment of a Court of Probate and Administration, that in the country there was usually a great anxiety to see the will of the deceased person amongst those who expected something under it, or who, being next of kin, were desirous to see if they were excluded by the will; and that if those documents were sent to London, and kept there, they would necessarily be deprived of the opportunity of seeing them. To meet that difficulty, the Committee recommended that the documents should be left in the hands of the surrogate for fourteen days after the death of a party, in order that all those interested might have an opportunity of seeing them, and at the expiration of fourteen days the surrogate should transmit to the Court in London those documents, in order that they might be registered there; and after such registry copies might be sent to the country, in order that those interested might have an opportunity of inspecting them near their places of residence. But it was recommended that there should be one general register of those documents in London. The Committee stated that they were of opinion such an arrangement would be of great public advantage, and would remove many evils that now exist; for whilst the central registration would produce general advantage and convenience, there were means provided by which inspection of the wills in each diocese might be afforded within the diocese; and all the advantages of the present system, as regarded the proofs of wills, or for administrations in cases of small property, would be secured by providing means to administer or prove the wills for the survivors in such cases. That objection was therefore met by this proposal; but another question arose, and it was this—some right Rev. Prelates, and other Church dignities said, if you abolish those Courts and this jurisdiction, how shall we exercise a jurisdiction over our clergy? It was necessary to provide means for that jurisdiction, and he (Lord Cottenham) brought in a Bill for that purpose. It passed their Lordships' House, and went to the House of Commons, but it was there lost, in consequence, he believed, of the lateness of the period in the Session when it was introduced into the House of Commons. It was too late to pass it, and like many other Bills of that year, it was returned. Now that was an account of the Bill of 1836, with respect to which his noble and learned Friend had expressed such curiosity. It would be seen, therefore, that an attempt was made on that occasion to remove the objection with respect to the jurisdiction over the clergy; for such a Bill was necessary if they abolished the Diocesan Courts. That Bill which he had introduced, was in accordance with the recommendation of a Committee of their Lordships' House, and was sanctioned by the highest authority, and the reason why, when they thought it had passed all its trials, it was returned, was in consequence of the late period of the Session at which it was introduced. No further progress was made, therefore, with reference to that subject until the Bill of 1840 was introduced, regulating the jurisdiction which his Bill of 1836 was intended to affect. Until that measure had passed it was impossible to abolish the Diocesan Courts, but then no further difficulty existed. 1841 was not a good year for the progress of legislation on this subject; 1842 passed away also without legislation upon it; and in 1843 a Bill was brought in, after ample time for preparation—the Bill was brought in by Her Majesty's Government. It was brought into the other House of Parliament by Sir J. Graham, Dr. Nichol, and the Attorney General; and it was to be supposed that such a course would not have been adopted without consulting the other Members of the Government, or without the concurrence of his noble and learned Friend (the Lord Chancellor). One could hardly suppose that a Bill, which proposed to abolish the jurisdiction of so many of those Courts, would have been brought in without the concurrence of all the Members of the Government, and without the favourable opinion of his noble and learned Friend who had to-night spoken so highly of the Diocesan Courts, and described them as so perfect. It did seem, indeed, strange that when his noble and learned Friend thought these such excellent tribunals, another portion of the Government should have introduced a Bill for the purpose of abolishing them. It was a strange thing to see such a course adopted, particularly as it was so well known that Her Majesty's Government had the advantage of being so united, and of agreeing so well upon all their great measures. He must, however, consider that proposition in the Bill of 1843 as the proposition of Her Majesty's Government, and that Bill proposed to abolish the Diocesan Courts; indeed, it was in most respects very much like his Bill of 1836. Now, he wished to know, that recollecting that a Bill of that nature was introduced by Her Majesty's Government last year, how did it happen that his noble and learned Friend on this occasion asked them to support a Bill of an altogether different character—to adopt quite an opposite course? The 5th section of the Bill to which he referred provided that matters of Probate and Administration, and matters of Contention, should be brought before the Court of Arches, and that the Judge should be appointed by the Crown. There were some arrangements in it that might be found inconvenient enough, and whilst he admitted to his noble and learned Friend that it was in many respects similar to his (Lord Cottenham's) Bill, he should disclaim the reservation of a certain jurisdiction in the registrars which it proposed, for the purpose of cases of probate and administration under 300*l.* a year. He referred to the Bill of last year, in order to show that there had been no difference of opinion at either side of the House as to the course which ought to be adopted with respect to the Diocesan Courts. His noble and learned Friend had stated that several alterations were made in the Bill after its introduction. He (Lord Cottenham) did not know what those alterations were, nor was he anxious to ascertain—he was only desirous to know at what period the Government changed their opinion, for they brought in a Bill now which was directly opposite to the Bill of 1843. He did not wish to occupy their Lordships' time, but he felt it necessary to call their attention to the very mature investigation which the subject had received from the highest authorities, and those best capable of forming an opinion, and he would show their Lordships that the Diocesan Courts could not by possibility perform those duties well. He would show that they were not adequate to those duties which they were called on to perform. It was necessary, in order that they should be able to perform their duties, to have them more constantly employed, and he would ask, were their Lordships of opinion that the public ought to go to the expense of keeping up an establishment which was not adequate to the performance of its duties? The Appendix to the Report of the Ecclesiastical Commissioners stated that in the years 1827, 1828, and 1829, the testamentary and matrimonial cases in the Diocesan Courts were 499, of which 147 were cases of Citation, and were not contested, and 110 were cases of Administration. The witnesses, namely, the registrars of the Courts, stated, that of the testamentary suits only one-tenth were subjects of litigation, and the others passed as matters of course; thus, nine-tenths were matters of course, which did not call for the interference of the Judges; so that 438, not being subjects of litigation, deducted from 499, left 61 cases. Say, then, the business in the Courts of Peculiar were a quarter, that made 16, which, added to 61, made 76; and 76, divided by 3, left 25; so that there were twenty-five litigated cases for thirty-two Courts, which it was proposed to continue. Then as to the Judges of those Courts. They were nominally Judges, it was true, but many of them did not profess to administer the law, and were permitted to appoint deputies. He would not say the deputies were underpaid, for they had little or nothing to do, and one of those Judges had received but two guineas in a year—now, that Judge might be called on to decide questions affecting the legality of issue, questions affecting property to any extent. It was evident from the fact he stated that the Diocesan Courts had not a great deal to do, and although the sum which that Judge received was small, it might be thought that perhaps it was a handsome remuneration for doing nothing. Now, with regard to the alleged convenience arising from the Diocesan Court to persons administering or proving wills in cases of small property, it appeared from the Appendix to the Report of the Ecclesiastical Commissioners, that parties in the country were often put to great inconvenience in consequence of the distance to which they had to go to the

Diocesan Court, and this was to be found even in the present arrangement, which was far more concentrated and convenient than formerly. A man at Greenwich having business at the Diocesan Court would have to go to Winchester. [Lord *Campbell*: No, to Canterbury; a man in Southwark would have to go to Winchester.] I was adverting to the fact, that under the existing system, which was stated to be so convenient, persons had in many cases to go very great distances; from Berwick to Durham, for instance, a person would have to go 78 miles; from Montgomery, to Bangor, 85 miles; from Brecon to St. David's, 98 miles; from Rye to Chichester, 80 miles; from Penzance to Exeter, 121 miles; and when it was recollected that the journey, in many of those cases, was to a great extent by cross roads, it would be seen how much inconvenience often arose under the present system. Then they should consider the enormous expense, for four-fifths of the contentious business and a much larger part of the uncontested went to the Prerogative Court, and he had already shown the small amount of business for which it was proposed to maintain the thirty-four Diocesan Courts, all of which must have Judges, Registrars, and so on, so that the expense would be very large, and even if there were some advantages arising from maintaining those Courts, they were advantages which would be purchased at a heavy expense. What difference could it make to add one-fifth more to the business of the present Court in London; whilst it gives the advantage of having a Court in which the public could have confidence, and able to do all the business with convenience to the suitors, and without additional expense? Why should they maintain those Courts, and incur expense that might be avoided? They had not got the sum the new system was to cost—the Bill was blank as to that, but if they wanted Jüdges fit to preside in Courts where important matters were to be decided they could not get them without giving reasonably ample salaries, for no man was fit for a Judge who had not experience himself in private business; then, in order to remunerate such men for giving up their business, it would be necessary to give them a considerable salary, and that would involve very great expense. If they referred to the Fee Fund, he was sorry to say it was likely to be a larger one, by large payments from the pockets of the suitors; for the report stated that they amounted to 58,000*l.* per annum. An enormous amount of taxation, then, would fall upon a particular class for the maintenance of these courts; and this contrary to the opinions which his noble and learned Friend had himself declared in 1841 and 1843—contrary to the strong recommendations of the Ecclesiastical Commission, of which his noble and learned Friend was a Member. If his noble and learned Friend—if the Members of the Government generally—thought they were wrong in the Bill of last year, the motives and reasonings which had brought about the change of opinion ought at any rate to be clearly stated to the House. Perhaps some other Cabinet Minister would yet supply the explanation on this head which had been omitted by his noble and learned Friend. His great objection to the present measure was, that it impeded, or rather put an effectual stop to all future improvement. Had it not been for this circumstance, though it by no means went so far as he wished, yet he should not have opposed a measure going in the right direction merely because it did not go far enough; for he was not one of the froward children of whom his noble and learned Friend had spoken. But the material objection was, that it raised a barrier against future improvement. Under the sanction of Parliament, they proposed to re-organize, to re-construct these courts in the various dioceses, in a way which went to perpetuate the evil; for the supporters of the present Bill could not possibly give it their aid, and hold themselves authorised in the next or a future year to give their support to a Bill for destroying these courts, which they now talked of re-establishing on an amended and solid basis. But why should they be re-established at all? All the sound evidence, all the best authority pronounced them an evil of great magnitude, and her Majesty's present Government only the very last Session brought in a Bill for abolishing them as such. Surely the Government ought at least to make some attempt at a satisfactory explanation of this very extraordinary change in their views. The hon. and learned Lord on the Woolsack had done nothing of the sort. He (Lord Cottenham) could not but think there must be some reason which had not been stated by the noble and learned Lord. The Government certainly had no ground to apprehend any want of support in that House to a Bill like that of last year, if they would introduce it; nor did he see what reason there was to anticipate opposition in the other House. After considering the subject in every point of view, he was altogether at a loss to understand where any difficulty of a serious nature could arise to impede the progress of a really satisfactory measure. Surely the Government were not afraid that the country proctors would not turn them out of office if they did what was right in this matter. He did not impute any improper motive to the Government for having come to this new view of the subject, but certainly he was entitled to say that last year they quite concurred in all he had now stated, while this year they proceeded in a totally different direction. Why was this? He believed the opposition to the Bill last year arose from the circumstance that it did not propose any compensation to the country proctors for the loss of office, a very natural subject of complaint for those parties, no doubt. But the present Bill did provide compensation to the country proctors who might suffer, not from the loss of office, but from the loss of business in the particular Courts of Judicature affected by the measure. Now, such a provision as this would, he presumed, very materially mitigate the opposition of those Gentlemen to the reproduction of a Bill like that of last year. But the remarkable thing in the present case was this: the Bill abolished Courts of Peculiars, the business of which would be transferred to the Diocesan Courts; compensation was provided to the proctor for the loss of his business in the Peculiar Courts, yet all the while he would transact the same business in the Diocesan Courts; so that he retained his business and got his compensation into the bargain. Thus a man who had been doing a business of 100*l.* a year in a Peculiar Court, would go and transact it just the same in the Diocesan Courts, and would receive compensation for 100*l.* a year, as though he had lost instead of retaining it. Surely, it was somewhat extraordinary, that after what had been said by the highest authorities on the subject of the present system —after what had been said by the Ecclesiastical Commissioners—by the noble and learned Lord himself—the noble Lord should now speak of it as though it were a perfect system which retained these Courts, as the Bill before them proposed to do. In order to give the Government an opportunity of reconsidering the subject, and of bringing in a Bill more calculated to satisfy the country, he would move that the Bill be read a second time that day six months.

The Bishop of *London* said, that, being one of those who had signed the original Report of the Ecclesiastical Commissioners, and as having supported the Bill which had been brought in for the purpose of carrying the recommendations of that Report into effect, he felt himself called on briefly to explain to their Lordships why, under these circumstances, he should not consider it inconsistent to give his support to the Bill now before the House. He supported the present Bill, because from all the information he had been able to acquire, and from the fullest consideration of the subject, he thought it the best Bill which the Legislature was in a condition to pass, without giving so much dissatisfaction to a great body of the public, as greatly to counterbalance the advantages that might otherwise be derived from a measure of this kind. With reference to the recommendations of the Ecclesiastical Commissioners, he wished to say this, that there were some points of that Report about which he was not perfectly satisfied, but he had therein yielded in a great degree to what he was entitled to regard as the superior judgment of the learned Commissioners, who were more practically acquainted with the working of the Courts; on one point, indeed, he had held a very decided opinion—an opinion which he still retained, that it would be far better to transfer the testamentary jurisdiction, among some other incidentals to ecclesiastical Law, to the Common Law Courts. But he had submitted to the judgment of those who considered that any violent disruption of this jurisdiction from the courts which now exercised it would be attended with many serious evils; and that it would be better to leave the jurisdiction where it was, at all events for the present, taking measures, at the same time, for improving its administration in every possible way. Now, with respect to what had fallen from his noble and learned Friend opposite (lord Cottenham), he must be permitted to say, that he had not by any means understood his noble and learned Friend on the Woolsack to say that the present system was the best that could be devised; but he spoke of it as preserving that which was theoretically the right system. He thought it an advantage that every Bishop should have within his own diocese the means of administering the law. He thought it hardly fair for his noble Friend (lord Cottenham) to represent the present measure as a measure which proposed to create thirty-four new courts. It should rather be considered that there were in all 384 Courts exercising ecclesiastical jurisdiction, and that of these the Bill professed to abolish 350, leaving thirty-four, which were to be remodelled and improved in their constitution. Now, with respect to the administration of some of the Ecclesiastical Courts, he must own that his experience of some of those Courts had not given him the highest reverence for their administration of the law, and he thought it desirable that those Courts should be placed on a better system, and a better administration of justice substituted. With respect to testamentary jurisdiction, being of a civil nature, it might be wished that the whole of the testamentary jurisdiction should be in the hands of the Common Law Courts. It might be questionable whether, in their anxiety for the better administration of the law, the Ecclesiastical Commissioners did not go too far in recommending the abolition of those Courts. Perhaps their Lordships were not aware that those Courts discharged other functions, which could not be discharged with propriety by any other Court whatever. After various attempts to give effect to the recommendations of the Ecclesiastical Commissioners, he thought that the present Bill was one which was likely to be attended with less dissatisfaction. His noble Friend had alluded to the Petitions which had last year been presented to that and the other House of Parliament on this subject. Those Petitions expressed the sentiments not only of the country practitioners but of other practitioners also, and represented the feelings of a large body of the clergy and laity of the country on this subject. Indeed, a much stronger feeling existed, and to a greater extent, than he was first aware of; and he considered the question now to be, whether those Courts would not, if remodelled, have the effect of remedying to a great extent the evils which arose from them. He could not but feel when the present Bill passed into a law, that those Courts would be a great support and consolation to the Bishop of each Diocese, limited as the Bill proposed, and presided over by proper Judges; for he admitted the justice of the principle that it was not expedient that they should be presided over by Clergymen. Upon the whole he did not think he was guilty of any inconsistency in supporting the present Bill, were he even disposed—which he would not say he was—to maintain the unimpeachable wisdom of the Ecclesiastical Commissioners; for, although this Bill did not go so far as they recommended, it went a great way, and got rid of the crying evil of the Peculiar Jurisdictions. For these reasons, and seeing that the system of Diocesan Courts, even supposing it to be an evil system, could not be abolished without creating a great deal of opposition and unfriendly feeling on the part of those whom it was more desirable to conciliate, he would be content with the present measure, although it did not accomplish all the good that might be desired.

Lord *Brougham* agreed with the right Rev. Prelate, that there was quite enough of good in the measure to reconcile him to take it; while he also agreed with his noble and learned Friend near him in wishing it had gone a great deal further. This legislation originated in a Bill which he (Lord Brougham) had had the honour to bring before Parliament many years ago, and subsequently at different times, down to 1835, when he gave it up almost in despair; and his experience had taught him that which he did not think his noble and learned Friend near him was aware of, the very great difficulties that lay in the way of legislating upon this subject. When engaged in legislating upon that subject, if he saw one party or one deputation, he was sure he saw 200 or 300; if he received one memorial or remonstrance, he received 500. With the single exception of the Registry Act, which was defeated by the same influence, he never remembered so powerful a host of adversaries raised against any one measure he had any concern with in the way of legislation. The opposition the Reform Bill met with out of doors in 1831—not in Parliament, but out of doors—was really a joke compared to the opposition to the Registry Act; and there was a remarkable instance of it. After their Lordships threw out that Bill on the 10th of October, 1831, he remained in the House in consequence of judicial business until the 20th, and he then went down into Westmoreland to enjoy his long vacation of eleven days. During that time the country was never so much excited as it was on the Reform Bill; the people were in a rage against the Government, and against Lord Grey in particular, because his Government would not take the wise advice of proroguing Parliament one day and meeting two days afterwards to propound the same Bill. They were almost torn to pieces. Lord Grey received deputations in the dead of the night, who told him that he was a doomed Lord. He also was a doomed Lord, and his noble Friend there. Such was the extreme excitement which prevailed on the Reform Bill; and that from the capital to the remotest provinces. Well, after the eleven days' vacation, that most melancholy tragedy, incident to that agitation, took place,—the Bristol riots, which tended to increase the agitation and excitement. On his return from Westmoreland, if he saw one bill on the subject of Reform, or advertisement, or placard affixed to private mansions and public buildings, and exhibited at other places of public resort, upon the all-absorbing subject of Reform, he was sure he saw a score calling upon the landlords not to suffer themselves to be robbed by the detestable Registry Act. He mentioned this to show that it was the very same interest which opposed that Act which lately and now up to the present hour was at work to defeat the first and best Bill upon this subject which he and others of the Commissioners and Committee were most anxious to have carried, as the most complete and advisable measure. The interest to which he alluded consisted of the country practitioners, the landed Gentry, and those under their influence, who formed themselves into a kind of league to support the practice of the Local Courts, and to prevent any enlarged measure of reform; and he was one of those who believed that the Government would find insuperable difficulty in carrying this measure, not in that, but in the other House. The business of that House, then, would be not to send down measures to the other House, which they had not a fair and reasonable prospect of being able to carry. It was not a mere inconvenience they would have to deal with, but an insuperable difficulty. As, therefore, he could not get all he could wish, he was bound to take all he could get, and if he went into Committee with the Bill, he should go there to make it what he wanted it to be, or if not that, at any rate the best Bill that could be carried in the other House. He certainly, however, proposed to go into Committee, with the full intention of doing his best to remove from the measure any feature which might at present tend, as his noble and learned Friend suggested, to impede further improvement in this direction, to prevent onward legislation, when people should come to their senses upon the matter. Now, it certainly appeared to him that, to appoint thirty Judges for life, with good salaries—and good salaries they must be—would tend to impede, if not totally to obstruct, the introduction of a better measure at a more favourable time; but in Committee he should endeavour to prevail upon them to keep their power in their hands, and therefore he would have those officers made removable, and make them take their offices with a notice or warning not to complain if a Bill should pass to render their services in those Diocesan Courts no longer essential and necessary. [The Lord *Chancellor:* That is provided for by the Act. It is not intended that any compensation shall be given them.] That removed a very great difficulty, no doubt. But he had thought that those officers were irremovable, that they held office for life. But his objection was at an end. His noble and learned Friend had not forgotten the case of the Welch Judges. His noble and learned friend (Lord Cottenham) had said the argument about Local Courts had no bearing upon the question. He might think so, but he (Lord Brougham) was of a different opinion. He had been often told of the inconsistency of centralizing one day what he was localizing another; and no doubt he was liable to that charge, as regarded the Diocesan Courts. But he felt that there were good reasons for giving local jurisdiction, so as to bring home the diocesan jurisdiction to the suitor. Had there been in the Local Courts a most respectable man fit to be a Judge, then, as far as possible, it would have been right to give him the jurisdiction which this Bill reserved to the reformed Diocesan Court. He submitted his Local Courts Bill to the Common Law Commissioners, who differed from him upon one point; they struck out the testamentary jurisdiction. One of their reasons was, that there was a Diocesan Court already established there; and this Bill to abolish Diocesan Courts was not then brought in. The principal ground for his supporting this Bill was, undoubtedly, the abolition of the Peculiars; that was the greatest improvement that could be possibly made. The right Rev. Prelate (the Bishop of London) would bear him out in saying that a very great scandal was removed from our ecclesiastical as well as our judicial establishments by the abolition of those exceedingly imperfect courts of judicature, the Peculiars and Exempts. He had hoped that the temper of the times would have enabled them to go further; but as the case stood their Lordships should reserve to themselves with the option the power of hereafter legislating upon this subject, if so advised. Upon the whole, he was disposed to give his concurrence to the second reading of the Bill, reserving to himself the power of making such suggestions with regard to the details in Committee as hereafter might seem to him to be desirable.

Lord *Campbell* said, he must express his unfeigned astonishment, after what had been said by his noble and learned Friend, that there had been no explanation of the motives which had induced Her Majesty's Government to abandon the Bill introduced last Session. His noble and learned Friend who last addressed the House, had endeavoured to make an apology for the Bill being in its present shape, and had certainly made the most of his materials; but he did not suppose that his noble and learned Friend was present at the Cabinet when this subject was debated; nor could he suppose that his noble and learned Friend was one who spoke as the organ of the Government, for the purpose of communicating to the House and to the public information upon this subject. The House, then, was entirely in the dark with respect to the motives which had induced the Government to introduce this Session a measure so entirely different from that of last Session. There were present five Members of the Cabinet, perhaps six; and no doubt they had all made themselves masters of the subject. There was the noble Duke at the head of Her Majesty's Government, he could master anything. No doubt the noble Duke knew the advantages and disadvantages of the Bill of last year as compared with this one. The noble President of the Council, who had long presided there with much benefit to the public, was well acquainted with our judicial system in all its details; but he remained silent. There was the noble President of the Board of Control, versed in matters connected with finance—and he said nothing. There was the noble Secretary for the Foreign Department, who, though no soldier, was well acquainted with the Church militant and all its difficulties—but he was dumb. All were silent. The right rev. Prelate had given no explanation whatever of the reason of the change: on the contrary, he had strongly confirmed the objection of his noble and learned Friend, because that right rev. Prelate had told the House he would even then be ready to support the Bill of last Session. [The *Bishop of London:* "No, no!"] He had understood so; and it would be most extraordinary if it were not so, because that right rev. Prelate not only was a Member of the Commission along with the Archbishop of Canterbury, and paid, as he always did, in other cases, the greatest attention to the subject, but, after seven years' deliberation, he signed the recommendation contained in the Report of the Commissioners. He presumed that his noble and learned Friend who had spoken last had left the House, as he did not see him either in his usual place on the woolsack, or in the seat which he occasionally occupied on that (the Opposition) side of the House; he would therefore abstain from adverting to some of the topics which had fallen from his noble and learned Friend. It was, clear, however, that his noble and learned Friend on the woolsack had changed his opinion on this subject. What was decisive on this point was, that a Bill on this subject, and similar to that of last year, which in 1836 passed the House of Commons, was sent up to that House; and he knew not what reason there was to suppose that a similar Bill would not now be passed through that House; and, above all, when it was recollected what powerful influence the Government possessed in that House He still believed that if the Government wished to carry such a general measure as that of last year, there would not be the slightest difficulty in the matter. His noble and learned Friend on the woolsack anticipated that he (Lord Campbell) would oppose this Bill. Now, he could only say in reply, that he considered that he should be guilty of great inconsistency if he did not do so. He felt satisfied that this Bill preserved all the expensive and vexatious litigious proceedings in cases of marriage, adultery, defamation, testamentary cases and Church-rates, for jurisdiction in all these matters was reserved to all the Diocesan Courts. Again, this Bill preserved all the vices of the law respecting cases of *bona notabilia*, by which a probate was void, if proved only in one diocese, and there appeared to be goods to the amount of 5*l.* in another diocese. It preserved also all the distinctions now existing between the Prerogative Courts of the two provinces of Canterbury and York. The right rev. Prelate would recollect, that the Real Property Commission, of which he (Lord Campbell) had had the honour to be a member, recommended that there should be only one court for the trial of such cases for the whole of England and Wales, and he presumed that the right rev. Prelate still adhered to the opinion which he then gave as one of those Commissioners. It was obvious that there could be no injury to the Church in adopting such a proposition. God forbid that he (Lord Campbell) should wish to interfere with the proper jurisdiction of the Church in all matters which properly belonged to it; for instance, in all cases of Church discipline or orthodoxy he had no wish to interfere; but what had the Church to do now-a-days with marriage or wills? He would not say that in former times, when marriage was regarded as a sacrament, the Church ought not to have had some authority, but this had long since ceased to be so—since the period of Lord Hardwicke's Marriage Bill; and above all, since by the recent Act, marriage had become a civil contract, and all questions as to its validity in any case resolved themselves into the interpretation of an Act of Parliament, and, as a matter of course, to be referred to the Queen's Judges for decision. These were often of a most difficult nature, and they required on the part of the Judge a profound knowledge of the law, and he thought, therefore, all these matters were most properly referred to the Superior Courts of Law. The right rev. Prelate said that he regretted that the Church had ever anything to do with the jurisdiction as regarded wills. But how did the Church get possession of this jurisdiction? It was, that formerly, when a man died intestate, the Church claimed his personal property for the purpose of saying masses for the good of his soul. It, therefore, was supposed to have an interest in every case of a will, and got possession of this jurisdiction accordingly. Now the Church could put in no such plea; and, in fact, it ought to have no more to do with testamentary causes than with questions involving real estates. They might just as well claim the right to try tithe cases, insurance cases, or charter parties cases, as those respecting wills. He conceived that the only proper course to adopt was. to have one general court, sitting in London, which should have general jurisdiction in all those questions which now went to the several Diocesan Courts. He was in favour of having Local Courts, where he could obtain them with advantage, but then two essential principles were involved in the case. The first was, that there was sufficient business for the court to transact, and the second was, that the business of the court should be such as to enable them to get competent Judges to do it. With regard to the Diocesan Courts, they possessed neither the one nor the other of these requisites. His noble and learned Friend (Lord Cottenham) had stated that such was the small quantity of business before these courts, that they had each only the fraction of a cause in a year before it. Was it possible, he would ask, to have good Judges under such a state of things? To deal with marriages and wills required a knowledge of the civil law, and of the practice of the Ecclesiastial Courts, which were guided by civil law; and those only who had practised in Ecclesiastical Courts, who were familiar with the civil law and its practice, were competent to be Judges; but then there were thirty-four of these Judges to be selected; and it was obvious that from the small amount of business that it was no very easy matter to obtain that number of efficient persons. The right rev. Prelate said, that in some instances business was well done in the Diocesan Courts; he (Lord Campbell) would only say, if such was the case, they must be very rare instances indeed. He had had rather an extensive experience with respect to them, and he would venture to say that he had never heard a case before any one of these Diocesan Courts in which the grossest blunders were not made. Even the Archiepiscopal Court at York was not an exception. He had never heard any one praise these Diocesan Courts, unless it was his noble and learned Friend on the woolsack, who seemed to consider them as the very perfection of the judicial system. He must be allowed to express his surprise that his noble and learned Friend did not attempt to make a better defence for the Government than he had made. In 1836, when his noble and learned Friend occupied a different position in that House, he, towards the close of the Session, took a review of the business which had been gone through, and he was particularly eloquent on the state of the Ecclesiastical Courts. His noble and learned Friend then said:—

> "The next great branch of this promised reform of the law was the consolidation and reconstruction of the Ecclesiastical Courts; let us see what course His Majesty's Government have pursued on this important subject? My noble Friend, the noble Duke near me, when in office, issued a Commission for the purpose of inquiring into this extensive subject."

His noble and learned Friend then proceeded to panegyrise the report of the Ecclesiastical Commission, and he did not then eulogise the Diocesan Courts as he now did. His noble Friend proceeded to say,

> "That Commission made a report, which was prepared, he believed, by Dr. Lushington—a report distinguished for the information and learning which it contained, and which led to the preparation of a Bill handed by us to our successors in office. My noble and learned Friend was from time to time reminded of the importance of the subject, and called upon to adopt some legislative measure with respect to it. A Bill, indeed, had been introduced; but as on some parts of the measure a difference of opinion existed, they were referred to the consideration of a select Committee, who afterwards made a Report, which was laid upon your Lordships' table. From that time to the present, the Bill has been allowed to slumber—not the slightest attempt has been made by the Ministers of the Crown to pursue this important measure."

This was the Bill which was prepared in the year 1835, and which his noble and learned Friend taunted the late Government for not having the power to carry. But what had been done by the present Government? It could not have been expected that they would have brought forward a measure on the subject in the short Session of 1841, immediately after their accession to office; but in February, 1842, the Government induced Her Majesty to address the Parliament thus:—

> "Measures will be submitted for your consideration for the amendment of the Law of Bankruptcy, and for the improvement of the jurisdiction exercised by the Ecclesiastical Courts in England and Wales."

That declaration was made by Her Majesty in February, and, though Parliament sat until August, no Bill on the subject was introduced into either House. His noble and learned Friend said, that it was deemed better that the Bill should come from the other House. If that were the case, why was the measure now introduced into that House? What he complained of was, that the Bill was not introduced into the House of Commons in 1842, at which time the prejudices against the plan involved in the measure of last year did not exist to anything like the same extent to which they had been excited. If the Bill had been brought in in 1842, he would venture to say that the Government could have passed it with the greatest ease. He had asked several times why the Ecclesiastical Courts Bill had not been brought forward, and he could on no occasion obtain a satisfactory answer. Again, at the meeting of the Parliament in 1843, the Royal Commissioners said,

> "We are commanded by Her Majesty to acquaint you that measures connected with the improvement of the Law will be submitted for your consideration."

Now he had no doubt that this passage referred to the Ecclesiastical Courts Bill. Such a measure was asked for again and again in their Lordships' House, but no one ever saw it. In the other House of Parliament a measure certainly was brought forward, having for its object the establishment of one Court for the decision of all questions relating to wills and matters testamentary, and no measure was ever more panegyrised, or received such wide support. That Bill was brought forward in a very able speech, by his learned Friend Sir William Follett; and Sir James Graham, who had maturely considered the subject, as he was Chairman of the Committee of the other House on the inquiry into the matter, also in a most able manner supported the Bill. No measure of a Government could have been more warmly supported or panegyrised than this measure was when it was first introduced. His noble and learned Friend used to ask why did not the then Government carry this and other measures through that House? He could only say, that, unfortunately, a great desire existed on the part of some parties to act in such a way as to enable them to say that the Government had not power to carry measures which they deemed beneficial. But the Government which succeeded them in office did possess that power; why then, he would ask, did they not carry this Bill? That Bill was founded on the plan of the Ecclesiastical Commissioners, and which was so much praised by his noble and learned Friend in 1836—this Bill was brought forward by the present Government last year, and he should like to have some explanation why the Government chose to abandon altogether the great principles contained in it. His noble and learned Friend made, in 1836, a remark upon the then Government which, as regarded them, was wholly misapplied, but which was, with respect to the present occasion, strikingly appropriate. He said, that the measures which they themselves recommended and prepared, they, without the least regard to what they had previously said, tamely abandoned at the dictation of any section of their supporters. That was what had been said with reference to the late Government; and, it appeared to him curiously applicable to the present. There was much mystery in this transaction, which ought to be cleared up by an explanation from some Member of the Government.

The Bishop of *London* said, that whatever might have been his opinion of the plan suggested by the Ecclesiastical Commissioners, he had taken care that night not to express any opinion upon the subject, or what course he might have pursued.

The *Lord Chancellor* said, he rose for the purpose of meeting the challenge which his noble and learned Friend had thrown down. He had asked what were the reasons which induced the Government to depart from their original plan? Did his noble and learned Friend suppose that he (the Lord Chancellor) did not concur in the wisdom or the policy of the Bill introduced into the House of Commons last year? He could assure his noble and learned Friend that he was entirely mistaken in supposing that he had differed from his Colleagues as to that measure. Nothing that he had said, could, for a moment, warrant such an assumption. He, in common with the rest of the Cabinet, had anxiously wished to carry into effect the plan proposed by the Ecclesiastical Commissioners. His noble and learned Friend now asked, why abandon that measure, and substitute another, from which the best parts of the measure of last year were omitted? Neither of his noble and learned Friends had exercised their usual industry, when they made complaints of this nature; for if they had looked to the progress of the Bill through the other House last Session, they would have seen ample reasons to induce the Government to pursue the course which they had now taken. The second reading of the Bill was certainly carried by a majority, after a long and warm debate, but it was obvious to every Member of that House, from the tone that prevailed, that the Bill could not be carried to a third reading in the shape in which it then was. The Bill was materially altered in Committee and assumed an entirely new form, and it was apparent to the Government that it could only be carried in that new form. The question then for the consideration of the Government was, whether the entire measure should be abandoned, or whether the Bill should be carried in its altered shape, for some of the provisions still left in it were of the utmost importance. The Government determined to adopt the latter course, and the present Bill was, as nearly as possible, a copy of the Bill as it passed through Committee in the other House last year. This was the history of the Bill in the last Session; and he believed that if a Bill embodying all the suggestions of the Ecclesiastical Commissioners passed that House without delay, and was sent at once to the other House, the same course would be pursued with it as was taken with respect to the Bill of last year, if it was not thrown out altogether. He repeated, then, that the Bill now under consideration was essentially the Bill which went through the Committee of the other House last Session. If he believed that they could pass the large measure through that House, and if they were satisfied that they could not carry it through the other House, he conceived that it was wise and prudent not to attempt that which the experience of the past showed could not be done. He believed, therefore, that the proper course to pursue was, to introduce a measure, not going to the extent that he could wish, but going to the extent that they could calculate upon its success, and which would still be productive of much good. If his noble and learned Friend thought that he could carry such a Bill through the other House, let him try and persuade the House in Committee to make such alterations as would effect the object which he had in view. But he (the Lord Chancellor) was satisfied that his noble and Learned Friend could not succeed; he, therefore, must rest content to confine himself to that measure of good which was contained in this Bill. Such was the explanation of the course taken by the Government with respect to this Bill, and in respect to which every Member of the Cabinet fully and entirely concurred. They one and all were convinced that the Bill should be brought forward in its reduced shape, because they were satisfied it could be productive of great good, and because they were satisfied that they could not carry a measure which went so far as the former Bill. As for expressing an approval of the Diocesan Courts, and as for the charge of inconsistency which had been brought against him, both his noble and learned Friends had entirely misapprehended, he would not say misrepresented, what had fallen from him; for at the commencement of his observations, in rising to move the second reading of this Bill, he distinctly and unequivocally stated that he greatly preferred the Bill of last year. The present Bill, he might add, was founded on a Bill which was introduced into the other House in 1813, by Lord Stowell (then Sir William Scott), and he never should be ashamed to acknowledge that he had adopted a Bill on such a subject on the high authority of an individual, so eminent and learned in matters of this kind. He now thought that he had given a satisfactory explanation as to the conduct of the Government, and had shown that there was no ground for the charge of inconsistency which had so harshly been brought against him.

Amendment negatived. Bill read a second time.

THE THREE-AND-A-HALF PER CENTS. BILL.] The Duke of *Buccleugh*, in reference to some observations which had on a former occasion fallen from a noble and learned Lord opposite, respecting the Three-and-a-Half per Cents., wished to say that in the year 1834, when a similar proceeding was adopted with regard to the Four per Cents., notice was given in the House of Commons on the 6th of May; on the 9th the House went into Committee, so that the Bill was not even brought in until after notice had been given to the holders of Stock; the time given to them being the interval between the 8th and the 28th of May. On the 12th the resolutions were reported, and it was not until the 12th of June that the Bill was read a first time, though the period for expressing dissent had expired on the 28th of the preceding month. On the 16th of June the Bill was read a second time; on the 19th it was Committed; on the 20th the Report was received; on the 25th it was read a third time; on the 9th of July it was returned from the House of Lords, and it was not until the 25th of that month that it received the Royal Assent. The dissentients respecting the Three-and-a-Half per Cents. up to the present time, were to an amount ridiculously small.

Lord *Campbell* said, that those who dissented, could not enter their names till a book was opened for that purpose, and the Bank could not open such a volume till the Bill became law. The Resolutions of the House of Commons had not the force of law, and no precedent could justify such irregularity.

The Duke of *Wellington* said, the difference between this case and the case of 1834 was just this: that in this case, in all probability, the Royal Assent would be given to this Bill to-morrow, and then there would be time between to-morrow and Saturday to give the dissent legally, according to the opinion of the noble Lord. In 1834 the Act did not pass till three weeks after the period when the legal dissent could be given.

House Adjourned.

HOUSE OF COMMONS,

Thursday, March 21, 1844.

MINUTES.] NEW WRIT.—For Christchurch, *v.* Right Hon. Sir G. H. Rose, acc. Stewardship of Manor of Northstead.

BILLS. *Private.*—1°. Taff Railway; Dingwall Police.

Reported.—York and Scarborough Railway; Brandes Burton Inclosure.

3°. and passed:—Rochdale Gas; Lancaster and Carlisle Railway; Great Western Railway.

PETITIONS PRESENTED. By Mr. Wyse, from the Loyal National Repeal Association, for Inquiry into the State Prosecutions.—By Mr. J. A. Smith, from Leith, for Reduction of Duty on Tea.

STATE PROSECUTION (IRELAND).]—Mr. *Wyse* presented the petition, of which he had given notice on Tuesday, from the Members of the Repeal Association of Ireland, and others, complaining of the manner in which the late State Prosecution had been conducted, and praying that an immediate inquiry might be granted, with a view of enabling the petitioners to establish the truth of the allegations contained therein. He could state with truth, that this was no ordinary petition in respect to the numbers who had signed it, to the wrong complained of, or the period at which it was presented to the House. It had received in the short interval of three weeks, not less than 821,334 signatures; nor were these names collected at hazard, but on the contrary, received with all due precaution to verify their authenticity, and to preclude, as much as possible, all chance of fraud; he could speak with certainty on this subject: he was in possession of a complete analysis of the number of petitioners sent from every part of the country, divided into counties, and each county again divided into parishes. It appeared from that analysis that every portion of the country, north, south, east, and west, had concurred. The north, indeed, in proportion to its population might be considered, if anything, more zealous than the south. Monaghan had contributed 20,329; Down, 22,525; Donegal, 20,041; Antrim, 26,410; Cavan, 47,340; while Clare had sent in 9,648; Kilkenny, 12,327; Kerry, 12,880; Meath, 23,755; Galway, 36,395; Dublin, 39,799. This was evidence that it was not a local movement; and he might, with equal truth infer, it was not one of party or sect. Nor was less diversity observable in the several classes who had pressed forward. The names comprehended all classes as well as persuasions. The names of the Catholic hierarchy and clergy were to be seen intermingled with those of the principal inhabitants, merchants, and traders of each place. The following Corporate bodies had also signed it:—The Lord Mayor, Aldermen, and Common Council of Dublin; the Mayor and twenty-nine Members of the Corporation of Cork; the Mayor, and fifteen Aldermen, and Town Council of Sligo; the Mayor, and twenty-four Aldermen, and Town Council of Kilkenny; the Chairman, and twenty-four Commissioners of Longford; the Chairman and seven Commissioners of Armagh; the Chairman, and fifteen Commissioners of Dundalk; by fifteen Commissioners of Galway, the Chairman, and fifteen Commissioners of Kells; by ten of the Commissioners, and by the Clergy, and Poor Law Guardians of Mallow; the Mayor, and twenty-four of the Aldermen, and Town Councillors, and Burgesses of Clonmel; by nine of the Commissioners of Kinsale; and by the Chairman and eighteen Commissioners of New Ross. Every precaution, as had already been stated, had been taken to guard against unauthorised and fictitious signatures. Each person signing was required to add his place of residence. Every care was taken that the subject matter of the petition should be explained fully before the parties were allowed to sign, and that no name should be permitted to be affixed without the fullest consent of each individual. He did not believe there had ever come from Ireland a Petition where more scrupulous accuracy had been sought and observed. He was quite sure there had never appeared before that House from Ireland a Petition signed by a greater number. He now turned to the Petition itself, and though he was debarred by the regulations of the House from reading it, and going into any discussion on its details, and though he had determined to bring later the whole matter by a substantive Motion before the House, he could not pass by so momentous a document without slightly referring to its several allegations. The Petitioners refer to the meetings held in various parts of Ireland to exercise their equal right of petitioning Parliament for the Repeal of an Act of Parliament which they considered prejudicial to their interests; that although several millions of people attended those meetings, and no breach of the peace occurred; that although those meetings continued to be held for several months, no declaration of their illegality by the functionaries of the Crown, or of the determination of Government to suppress them, had been made until the 8th of October, when the meeting at Clontarf had been announced, and the mode in which the Government interfered to prevent that meeting, the Petitioners complained of as being an unlawful interference with the rights of the people. They then referred to the late State trials, and complained that the most unjustifiable means had been resorted to by the law officers of the Crown to procure a conviction. They complained of the striking out the names of the Roman Catholics from the panel, and of the statement of the Attorney-General, that if the Bill against the traversers were found "the would undertake to establish the existence of as wicked and foul a conspiracy as ever existed in this Empire." This they alleged was calculated to produce a prejudicial effect on the minds of the Jury, against the traversers. That statement, however, the

Attorney-General had failed to prove. They also complained of the charge of the Lord Chief Justice to the Jury, as being partial against the traversers, and they further declared that if an inquiry were granted, they would undertake to prove that the Chief Justice had invaded the province of the Jury, by expressing an opinion as to the fact, while in doing so he suppressed every thing that was favourable to the traversers—and that all the circumstances connected with those proceedings were calculated, and had had the effect of inducing great distrust in the minds of the Irish people in the administration of justice in Ireland—that they infringed the right of Trial by Jury, and the right of meeting to petition Parliament —and they prayed that an immediate inquiry might be granted with a view of enabling them to establish the truth of the allegations contained in the Petition. This was not a mere Petition to this House—an ordinary complaint of grievance; but a solemn remonstrance—a dignified but determined protest, in respectful but not less firm language, of the people of Ireland, against what they considered the greatest wrong which could be inflicted —the greatest injury which could be aimed at the liberties of a country. With regard to the circumstances of the times, he should not now break through the regulations of the House by referring to them; indeed it was needless; they were present to every man's mind. He trusted, however, he had said enough to justify the intention then expressed, that, on an early day, he would move for a Committee to take the charges of the Petition into consideration. He moved that the Petition be brought up.

Petition brought up, read, and laid on the Table.

WEST INDIA IMMIGRATION.] Mr. *Vernon Smith*, understanding from the papers laid upon the Table of the House, that inquiries had been instituted by the noble Lord the Secretary for the Colonies, addressed to the Governors of Trinidad, Jamaica and Guiana, as to whether it would be adviseable to relax the rule which prevailed of only admitting a proportion of women, amounting to one-third, in any Immigration which might take place into those Colonies; and also understanding that answers had been received favourable to such relaxation from the Governors of the Colonies, wished to know whether the noble Lord had acted upon the information thus obtained?

Lord *Stanley* replied, that in consequence of communications from Sierra Leone stating that great difficulty had resulted from the restriction alluded to, in prevailing upon men who were desirous of immigrating to West India Colonies to go thither, he had written to the Governors of Jamaica, Trinidad, and Guiana, to inquire whether, in their opinion, a relaxation of the rule as to the proportion of two men to be admitted, would be adviseable. Their answers had only been received four or five days ago: and, although the papers containing them had been immediately laid before the House, no actual steps had yet been taken in consequence of the information communicated in them.

IMPORT DUTIES.] Mr. *Ewart* rose to move the following Resolutions:—

"That it is indispensable to the maintenance and extension of the Trade of this country, that those duties be repealed which press on the raw materials of manufacture, especially the raw materials of the woollen and cotton trade. That it is expedient also that those Duties be greatly reduced which press on articles of interchange in return for our manufactures, especially such articles of interchange as, at the same time, concern the subsistence of the people; being (besides corn, which is the subject of superior and separate consideration) such articles as tea, sugar, coffee, bacon, butter, and cheese. That it is expedient that those Duties also be greatly reduced which, by their amount, encourage smuggling; being at once injurious to the revenue and dangerous to the morality of the country; such as the Duties on tobacco, silk goods, and foreign spirits. That whatever temporary deficiency of revenue be caused by such reduction, ought, until the revenue regain its former amount, to be sustained by the property, and not by the trade and labour of the country."

He conceived that there were many advantages attending the bringing forward and promoting the discussion of commercial measures of a general nature. Public opinion on such occasions cast its shadow before, and that which an individual Member of the House advocated as expressive of public opinion might hereafter become the subject of Parliamentary legislation. It was with that conviction that he brought forward his Motion. He asked the House to consent to the proposition of removing duties which pressed upon the raw material of manufactures. In doing so, he asked them to sanction a principle already introduced by the right hon. Gentleman, the First Lord of the Treasury, but he asked them to carry it further. It was generally admitted to be impolitic to tax the raw elements of our manufactures, but if there be any time at which it was most impolitic, it was in a time of peace, and at the same time of national difficulty. Our cotton manufacturers had to resist a competition almost unexampled in the annals of the trade. Whether we looked to America, to Germany, or to France, we found that our manufacturing prosperity was in danger; and he therefore thought, that even on that ground alone, the House was bound to reduce the duties on the raw material of manufactures. He maintained, however, that such a step was particularly politic in time of peace, because then prices necessarily became low; and, in proportion as the prices of raw material fell, the proportion of duty to the cost price of production increased. Low-priced cotton was also extensively used, to the duties upon which the same argument would apply. Much of the wool also used now was low-priced wool, coming from the banks of the Plate. A similar sort of wool was also imported from the Mediterranean; and as such commodities came to be more generally in use, the duty upon them was more severely felt than when it fell upon the high-priced German wool. The consequence was, that the wools of South America and the Mediterranean were generally exported, to be manufactured in other countries, and thus to enrich foreign manufacturers. He conceived, then, that he had good reason for calling upon them to repeal the duties affecting the raw materials of manufactures. This was the first part of his proposition, and he maintained, that by the repeal of those duties, they would add to the employment of the people. He wished, too, to increase their means of subsistence, and with this view he called upon the House to extend our commerce in tea, sugar, and coffee, and also in bacon, cheese, and butter. These might be called the household articles of commerce and they were unquestionably of the greatest importance to the poor. America had abstained from levying duties on the articles of tea and coffee, and he asked the House to follow the example thus set to it. But, besides, we were now anticipating an extension in our trade with China; but no such anticipations could be realised if they did not enable the Chinese to give us something in return for our manufactures. We must, if we increased the sale of our manufactures in China, take an increased quantity of some article in return from them, and that article must be tea. The consumption of tea in this country had remarkably increased of late years, and so had that of coffee and sugar. These articles had become of more importance to the people than they had ever been, for they had acquired those habits of temperance which were so honourable to them, but so unknown to their forefathers. Taking the whole amount of tea consumed in this country at 40,000,000lbs., about 22,000,000lbs. consisted of that sort called Congou, which was principally consumed by the poorer classes, and, therefore, a reduction in the duties would be a great relief to the poor. The present duty was 2*s.* 1*d.* per lb. upon tea of all sorts, and of course it pressed with greater severity upon the more coarse than upon the finer qualities of tea consumed by the rich. When the tea duties were altered, upon the opening of the Chinese trade, a discriminating rate of duty, favourable to the import of the teas consumed by the poor, was attempted to be introduced. It was proposed to divide the classes of tea imported into three sorts, to be charged respectively with 2*s.*, 1*s.* 6*d.*, and 1*s.* per lb. of duty. Great difficulty was anticipated, however, in judging of the qualities of the teas; and at length an uniform duty was suggested, and which was the parent of the present duty of 2*s.* 1*d.* Now, whether we looked to the prospects of our trade in China, or to the interests of our own poor, a reduction in the tea duties appeared equally just and politic. When the duties on tea were reduced in 1768, the consumption was doubled. In 1784, the duty was 1*s.*, or about 67 per cent. Mr. Pitt reduced that duty, and the consumption rose immediately from 5,000,000lbs. to 10,000,000lbs., and in two years from 5,000,000lbs. to 17,000,000lbs. By reducing the present duties on tea, they would be enabling the poor to use not only a cheaper but a purer beverage. He would only allude slightly to the subject of the sugar duties, but he would maintain that these duties were most oppressively felt by the poor consumers, and on looking over the annual circulars printed with respect to the trade, he found accounts of a great increase in the quantity of impurities mixed up with the sugar. The lowest-priced sugars contained nearly 10 per cent. adulterated matter. With respect to coffee it was well known that the consumption had greatly increased. In 1811 there was only one coffee-house in London—that was to say, one establishment devoted to the sale of that beverage only — while at present the number amounted to upwards of 2,000. It was well known that in 1801 the duty on coffee was a very high one, amounting to 1*s*. 6*d*. per lb. The consumption, then, in this country did not exceed one pound per head for all the population. In 1811 the duty was lowered to 1*s*., and the consumption increased to five pounds per head. As long as the duty remained at 1*s*., the consumption was stationary; but when the former was reduced to 6*d*. per lb., he need not remind the House how rapidly the latter increased. The case of coffee was, indeed, a remarkable instance of the equality preserved between the reduction of duty and the increase of consumption. The consumption was always in the inverse ratio of the duty. The right hon. Baronet opposite had, indeed, reduced in some degree, the duty upon coffee in his Tariff; but although he reduced it in amount, he had not done so in proportion. In fact, the position of foreign coffee was rendered more unfavourable than before. Now, he asked for a reduction of duties upon tea, sugar, and coffee. He might be blamed for introducing so many articles into one proposition; but he believed, that by the increased consumption of one of them, the effect of any reduction of duty on another, would be fully made up to the Revenue. He had asked them to remove the duties upon the raw materials of manufactures—to lower the duties upon articles of subsistence; and he now asked them to turn their attention to those duties which had always been held as incentives to smuggling. Not a day passed but some poor seaman was dragged up at Liverpool, on the charge of having contraband tobacco in his possession. To put the trade upon something like a fair footing in the article of brandy, the duty ought to be reduced one-half. That this was the most expedient course, was proved by the fact, that in former cases, where the duties were reduced, the Revenue increased. Chemistry was made subservient to smuggling; and brandy was introduced in considerable quantities, in the shape of naphtha. It would be a great advantage to this country if brandy was introduced in a larger quantity, for it was wanted for many pharmaceutical purposes. Mr. Huskisson reduced the duty on silk 30 per cent. *ad valorem;* but this was too high by half. He came now to the articles of butter and cheese. On the one there was a duty of 20*s*. per cwt., and on the other one of 10*s*. 6*d*. He could not understand, when the right hon. Gentleman (Sir Robert Peel) reduced the duties on salt provisions, why he omitted those two most important articles to the poor. He was afraid it was because the right hon. Gentleman found the cheese interest too strong to contend against. The indirect taxation which pressed so much on industry, was owing to the ascendancy of the landed interest. Sir R. Walpole gave the sanction of his authority to this principle; but in the concluding years of his Administration, he acted on the views so long maintained by the present Opposition.

House counted out, and Adjourned at seven o'clock.

HOUSE OF LORDS,

Friday, March 22, 1844.

MINUTES.] BILLS. *Public.—Received the Royal Assent.*—Consolidated Fund; 3½ per Cent Annuities; 3½ per Cent. Annuities (1818); Gaming Transactions; Teachers of Schools (Ireland).

Private.—1ª· Blythswood Estate (Campbell's); Capamagian, Hatzik, and Manouk Naturalization; Ramsay Inclosure; Bury (Huntingdon) Inclosure; Liverpool New Gas and Coke Company; Birmingham Canal Navigation.

2ª· Ribble Navigation.

3ª· and passed:—Spartali's Naturalization; Lascaridi's Naturalization.

PETITIONS PRESENTED. By the Duke of Richmond, from Justices of Ross and Cromarty Shires, against Repeal of the Corn Laws. — By the Duke of Richmond, and Lord Prudhoe, from Brockdish, and several other places, for Protection to Agricultural Interest. — From Clergy of Evesham, against Union of Sees of St. Asaph and Bangor.—From Debtors in Coventry and Worcester Gaol, in favour of Creditors and Debtors Bill.—From Llanmowdry, and 2 other places, for the Establishment of Local Courts. —From Ministers and Elders of the Presbytery of Berwick and Stafford, against the Dissenters' Chapels Bill.—From Inhabitants of Bermondsey, complaining of the Lambeth Water Works Company. — By Lord Lilford, from Silk Hand Loom Weavers of Leigh, and places adjacent, for Inquiry into certain Grievances, and for Relief. —By the Marquess of Clanricarde, from Inhabitants of Clare, County of Digby, Province of Nova Scotia, in favour of the Repeal of the Union (Ireland).—By the Duke of Richmond from Peculiar of Harefield, for Exemption from Ecclesiastical Courts Bill.

CORN LAWS.] The Earl of *Radnor* was anxious to notice a charge which had been thrown out against the manner in which a petition that he had recently presented to the House, from the County of Somerset, in favour of Free Trade, had been carried. It was said that persons had been sent, at the expense of the Anti-Corn-Law League, from Taunton to Bridgewater, by whose means the petition had been carried, although the meeting had been summoned for a very different object. It was true that many persons friendly to the principles advocated by the League were present, but they were not sent there in the manner alleged. At the time of presenting the petition to which he alluded, he had adverted to some observations made by a noble Lord, with reference to the Anti-Corn-Law League, at a meeting in favour of the Corn Laws, held at York. It had been supposed that he alluded, on that occasion, to Lord Feversham, as the speaker. Such, however, was not the fact. He referred to observations made by the Earl of Harewood.

The Duke of *Richmond* thought that from what the noble Earl himself said, it might be inferred that a great number of persons were at the meeting who would not have been present if some extraordinary influence had not been used. The noble Earl did not deny that many members of the Anti-Corn-Law League were present, and it was admitted, that by waiting till the meeting grew thinner, they carried their point. He believed that they considered this a great triumph, and he fancied that most of their triumphs were achieved in the same way. He was glad to find that they were angry, because they now discovered that the farmers had come to a determination to oppose their machinations, and support the existing Corn Laws.

The Duke of *Buccleuch* hoped that he might be permitted to make one observation, as a relation of his own (the Earl of Harewood) had been alluded to by the Noble Earl. His noble relation had certainly made a speech at the York meeting against the proceedings of the Anti-Corn-Law League, which speech contained the statement, that a farmer who had spoken against the Corn-Law League, had had his stacks set on fire the following night; but he could assure the noble Earl, that what his noble relation stated on that occasion, he stated as a fact that had appeared in a newspaper.

The Earl of *Radnor* said, that on reading the statement made by the noble Earl, as given in the *Leeds Mercury*, in which paper some commentaries appeared at the same time, on the expressions used by the noble Earl, he wrote to the noble Earl to ascertain whether the statement was accurate, and he received a note from him signifying that the report in the *Leeds Mercury* of what he had said was correct. Now there was a direct accusation made in those expressions, against the Anti-Corn-Law League, intimating that their proceedings led to incendiarism.

Lord *Wharncliffe* could not avoid remarking that the Anti-Corn-Law League attacked the Aristocracy, not in measured language, but with considerable bitterness of expression, and he was not a little surprised to find that persons who thus acted, should be so thin-skinned themselves, as not to be able to bear strong language when applied to themselves. It appeared that his noble Friend had made a statement, at the York meeting, that a farmer, who had spoken against the Anti-Corn-Law League, had had his corn-stacks burnt the following night, and this the Anti-Corn-Law League could not endure. If that party used strong language, they must expect strong language being applied to them in retaliation.

Other petitions being presented on the subject of the Corn Laws,

The Earl of *Radnor* rose, and begged to offer a few words in reply to the observations which had been made a short time ago, by the Lord President of the Council, who expressed his surprise that persons who had themselves made attacks, should be so thin-skinned that they could not bear to be attacked in their turn. If the Corn-Law League had sinned, they had not been without imitators; but he (Lord Radnor) was not aware that the Anti-Corn-Law League had been guilty of making such attacks as those alluded to. The noble Earl said, that his noble Friend (Lord Harewood) had stated a fact, but he denied that it was calculated to lead to the inference that the Anti-Corn-Law League had incited parties to incendiarism. Now he (the Earl of Radnor) had, as he had before said, called the attention of the noble Earl to the paragraph in the newspaper in which the meeting was reported, and the noble Earl admitted that it was correct. With regard to the Anti-Corn-Law League not being able to bear remarks on their proceedings, he begged to remind noble Lords that this was not the only language of the kind that had been used towards them. Among other things said of them, a Gentleman who for many years had represented the County of Lincoln, said that if the Anti-Corn-Law League came into Lincoln again, it was likely they would be thrown over the bridge into the river.

The Duke of *Buccleuch* observed, that the Earl of Harewood admitted that the newspaper report of what he had said was correct, but he did not admit the inference drawn from it in a newspaper article; the noble Earl did not impute, nor did he intend to impute to the League, that they incited to incendiarism.

The Earl of *Radnor* said that the words of the noble Earl were—"There are other views in the Anti-Corn-Law League agitation, than those which meet the eye of the public. What happened to a farmer the other day in Lincolnshire, or Norfolk, I forget which? He attended a meeting, and openly stated his opinions against the Anti-Corn-Law League. His stacks and his crops were burnt that night." If that did not mean an inference that the League incited to incendiarism, he did not know what it meant.

Lord *Wharncliffe* said, upon the face of the noble Earl's own report of the words used, there was no such charge. Two separate facts were stated.

The Earl of *Radnor*: Yes; but the one follows immediately on the other.

Lord *Beaumont* said, he was present at the time the noble Earl made the speech, and he could distinctly state, that no idea was raised, among those on the platform, of any intention on the part of the noble Earl to make such a charge against the League. The noble Earl alluded to the violent language used at the League meetings, and to the fact of the stacks being burnt, but he never implied that there was any intention on the part of the League to incite incendiarism.

The Marquis of *Normanby* said, he was neither an Anti-Corn-Law Leaguer, nor an anti-anti, but he must express his regret that a noble Earl, not so accustomed to public speaking as the noble Lord (Beaumont) was, should have stated two facts in such close succession, as to lead to the inference imputed to him.

The Duke of *Richmond* entertained no doubt whatever, that Lord Harewood was not aware that the House of Lords was to be made a court of appeal, to consider a speech that he had made in the City of York. He (the Duke of Richmond) hoped that his noble Friend (Lord Radnor) would recommend the Anti-Corn-Law League to be more guarded in their expressions than they had hitherto been. His noble Friend had stated that an hon. Gentleman at Lincoln had recommended that if any of the Anti-Corn-Law League should appear in that City, that they should be thrown over the bridge; now, if the hon. Gentleman to whom allusion had been thus made, had said so, all that he (the Duke of Richmond) could say was, that he would recommend them not to go.

HANDLOOM WEAVERS.] Lord *Lilford* rose, pursuant to notice, to present a Petition from 5,000 inhabitants of Leigh, in Lancashire, praying for a Committee of Inquiry into the condition of the Handloom Weavers. The noble Lord stated, that the statements of the Petitioners related chiefly to low wages, unjust abatements, and the want of employment. They complained also that the Arbitration Act was not properly carried out. The noble Lord read a number of papers for the purpose of showing that the Silk Weavers were subject to unjust abatements of wages, and that the law, as at present existing, was not sufficient to protect the workmen—justice being neither so speedy nor so economical as it ought to be. The petitioners, he observed, came before their Lordships with a statement of grievances, which, looking to the condition of the manufacturing districts, to the state of the markets in those districts, and to other circumstances, would, he thought, justify the Government in holding out some indication, however slight, of an intention to take their case into consideration, with a view to remedy those grievances. As he understood the noble Earl opposite intended to make a statement in reference to the petition, he would not move for a Committee. He would only assure the noble Earl he had every reason to believe that the allegations of the petitioners could be distinctly proved. The noble Lord concluded by presenting the Petition, in which the petitioners prayed for some legislative enactments to protect them from the unjust encroachments of unprincipled masters, for the establishment of a board of trade, composed of masters and workmen, and for a Committee to inquire into the system of cruel and unjust abatements of which they complained.

The Earl of *Dalhousie* was glad the

noble Lord did not intend to move for a Committee, as he (Lord Dalhousie) should have felt it an ungracious task to attempt to persuade their Lordships from granting it as it would have been his duty to do. But the case of the Handloom Silk Weavers had so frequently been the subject of inquiry before Committees of both Houses, and more particularly by a Commission whose labours extended over three years, their distress was so well known, and the result of those inquiries had proved so clearly that the remedies which the parties themselves had looked for were beyond the reach of legislative power, that to attempt now to renew the appointment of a Committee would only excite and encourage hopes which, ending, as they inevitably and unfortunately must, in disappointment, would only aggravate the distress and increase the difficulties which the Handloom Weavers were from time to time unhappily involved in. The noble Lord did not enter into any general statement of their case, but restricted himself to the point, as stated by the petitioners in their memorial, of those abatements of wages which they alleged to be unjustly made by masters in the oppressive exercise of their power; and he was not inclined to dispute any of the statements made by the noble Lord on that point. He believed that documents at present on their Lordships' Table would afford sufficient proof of the partial existence of such a system; and show, that although a great number of manufacturers were free from any charge upon the subject, yet that there were some who did take advantage of the necessities of the workmen, and deduct an undue proportion of their wages. The matter was one which had already engaged the attention of the Government, and been for some time under their consideration; but, as the House must be aware, it was necessary to proceed with extreme caution in a law which affected a trade scattered over the country as this was, and governed by regulations which were as various as the localities themselves. It was necessary gravely to consider all the evidence that had been collected upon the subject before they could venture to make alterations in the law, however plausible they might be, so that in removing the grievances in one locality they might not make the matter worse in another. He would give no positive pledge for the introduction of a Bill to amend that Clause of the Arbitration Act, to which the noble Lord adverted but he could assure the noble Lord that the question would be considered without loss of time, and that the sincerest desire existed on the part of the Government to remedy such imperfections as might be found in that Act. If after a deliberate consideration of the whole case it should be found that the difficulties were such as to render any attempt at alteration undesirable, his noble Friend would, of course, have notice to that effect, and it would then be open to him to renew his Motion for a Committee of Inquiry, or adopt such other course as he might think best.

Lord *Lilford* thanked the noble Earl for his assurance that the question would be anxiously considered, particularly as he admitted the existence of the grievance of abatement of wages in the district from which the Petition emanated.

The Earl of *Dalhousie* wished to be perfectly accurate in his statement. He admitted the existence of the grievance of abatement of wages; but he did not say that it existed in the particular place alluded to, because the inquiry had not been carried into that particular place.

House adjourned.

HOUSE OF COMMONS,

Friday, March 22, 1844.

Minutes.] Bills. *Public.—Reported.*—Indemnity; International Copyright.

Private.—1°. Pulteney Town Harbour and Improvement; Clerkenwell Improvement; Dowager Lady Nugent's Naturalization; North Wales Mineral Railway; Ness Fisheries; Reversionary Interest Society; Weaver Navigation; Bow Brickhill Estate; Lakenheath and Brandon Drainage.

2°. Gorbal's Statute Labour; Eastern Union Railway; Newcastle and Darlington Junction Railway and Tyne Bridge; Pontop and South Shields Railway; Edinburgh, Leith, and Granton Railway; South Eastern Railway; Monkland Railways (No. 2).

Reported.—Severn Navigation; Beccles Navigation.

3°. and passed:—Birmingham Canal Navigation; Ramsay Inclosure; Bury Inclosure; Liverpool New Gas and Coke.

Petitions Presented. From City of Dublin Steam Packet Company, respecting Railroad Companies.—By Colonel G. Langton, from Debtors in Wilton, and by Viscount Howick, from Durham Gaol, against the Law of Bankruptcy and Insolvency.—By Mr. C. Round, from Sudbury Union, and by Mr. S. Crawford, from Rochdale, against the Poor Law Amendment Act.—By Lord F. Egerton, from Silk Hand Loom Weavers of Leigh, complaining of Distress.—By Lord R. Grosvenor, from Chester, and by Mr. T. Duncombe, from Finsbury, and Westminster, for Reduction of Duty on Tobacco.—By Mr. Estcourt, from Jesus College, Oxford, and by Mr. Darby, from Ticehurst, against Union of Sees of St. Asaph and Bangor.—By Mr. Macaulay, from Edinburgh, for Abolishing Religious Tests in Universities (Scotland).—By Mr. Hope Johnstone, from the Presbytery of Dumfries, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Rashleigh, from J. H. Nankwill, for Reform in Medical Profession.—By Mr. T. Duncombe, from Newcastle-upon-Tyne, in favour of Universal Suffrage.—By Sir H. W. Barron, from Waterford, in favour of Municipal Reform (Ireland).—By Mr. Macaulay, from Edinburgh, and Dunbar, against the Prisons (Scotland) Bill.—By Mr. P. Borthwick, from Marylebone, and from William Roberts, for Inquiry into the Working of the Anatomy Act.—By Mr. O'Connell, from Newfoundland, against Coercive Measures for Ireland. —By Mr. O'Connell, from Liverpool, and several other places, in favour of the Repeal of the Union with Ireland. — By Lord G. Somerset, from Merchants and others, respecting Carriage of Goods by Railways.—From Ross, complaining of the Omission of Roman Catholics from the State Trial Jury (Ireland). — By Mr. O'Connell, from the Loyal National Repeal Association, for Inquiry into the late State Trial (Ireland).—By Mr. Williams Wynn, from Llangwrig, for Exempting Lime used as Manure from Toll.—By Viscount Howick, from Coal Owners, for Repeal of Export Duty on Coals from Warkworth Harbour.—By Sir R. Inglis, from Members of the Bath Church of England Lay Association, against the Abolition of Church Rates. —By Mr. Cowper, from J. M. Morgan, for Appropriating Waste Lands to the benefit of the Working Classes.—By Mr. Cresswell, from Rothbury, Felton, and Shilbottle, against any Alteration in the Corn Laws.—By Mr. S. Crawford, from Braintree, for Withholding the Supplies. —By Sir J. Easthope, and Mr. W. Patten, from Leicester, and Preston, against Limiting the Hours of Labour to Ten Hours in Factories. — By Lord Ashley, and Mr. Fielden, from 97 places, in favour of Limiting the Hours of Labour to Ten Hours in Factories.

WRECKS OF THE NERBUDDA AND ANN.] Dr. *Bowring* wished to inquire of the right hon. Baronet at the head of the Government whether any reply had been received from the Government of Pekin in answer to the application made for the punishment of the authorities of the Island of Formosa who ordered the murder of the crews of the Nerbudda and Ann?

Sir *R. Peel* said, that the two vessels had been wrecked on the Island of Formosa, and that after the sailors had defended themselves for a time, they had been taken prisoners, subjected to great privations, and many of them put to death, —whether by the Chinese authorities or not he did not know. Sir Henry Pottinger made a representation to the Emperor of China on the subject, and it was stated that the Chinese Government viewed the unfortunate transaction with great regret, and had ordered that punishment should be inflicted on the parties who sanctioned the murder. Upon the whole, the statement made on the subject was satisfactory. The declaration of the Emperor was one quite becoming the ruler of a great country. The Proclamation was inserted by the order of the Emperor in the *Pekin Gazette*, and Sir H. Pottinger spoke of it in the highest terms. He stated, that he had seen with the greatest pleasure the decree of the Chinese Government on the subject of the British subjects who had been unjustly put to death in the Island of Formosa, and was sure that the proof of a sense of justice which it displayed would be highly satisfactory to his Government. He had seen a translation of the Proclamation, and he thought that a stronger desire to do justice had never been shown in a civilized state. The Emperor stated in the Proclamation

"That he had been deceived by the Chinese authorities of Formosa, who represented that the Island had been invaded by the British crews with arms in their hands, and that they were taken and had suffered as prisoners of war. He had ordered the Governor-General of the district to institute an inquiry, and in the result of finding that the officers had deceived him and falsified their statements, he had ordered all those who by their false representations had obtained a promotion of rank to be degraded from it and handed over to the board of punishment."

The Emperor went on to say,

"We cherish the Chinese and foreigners with equal beneficence, and will not allow those who have become amenable to punishment to escape because they are accused by foreigners. It is our desire to act with strict justice and impartiality."

The culprits had been disgraced after having been convicted by the regular authorities; and the tone of the Proclamation indicated a sincere intention to facilitate intercourse with civilized nations.

INCENDIARY FIRES.] Colonel *Fox* wished to ask the right hon. Gentleman the Home Secretary, if he could state any steps which might have been taken in consequence of the recent numerous fires that had occurred in Suffolk? The Chairman of Quarter Sessions in that County had lately, in addressing the Grand Jury said,

"It might be asked why the rural police had not prevented these crimes; but it was impossible to suppose, that if the rural police were even more numerously distributed than they were, they would be enabled to prevent such offences; nay, even if the whole of the metropolitan police were sent down to Suffolk it would be impossible to give security against those outrages; unless, indeed, a policeman stood sentry in every homestead all night."

Sir *J. Graham* deeply regretted that so many fires had recently taken place in Suffolk; and, unhappily, of such offences it was too difficult to detect the perpetrators. He had deemed it his duty to send down assistance from the Metropolitan Force, but as yet no detection had taken place.

Lord *Henniker* only the other night had been called up to witness a dreadful conflagration within a few gunshots of the house in which he had been sleeping. The Magistrates and the Police had adopted every means of detection, though hitherto, unhappily, unsuccessfully. They had, of course, communicated with the Home Secretary, and from him had received every assistance. He, himself, should continue to afford to the right hon. Gentleman, as he had already done, all the information in his power on this painful subject.

THE ARMY.] Mr. *Gill* rose pursuant to notice,

> "With a view to obviate an erroneous impression produced by the statement of the Secretary at War on the 12th instant, to call the attention of the House to the detention of Captain Brewster, of the 76th Regiment, under arrest for eight months, without any charge being made against him; and to ask the right hon. Gentleman whether he has any objection to communicate to the House the order from the Horse-Guards for that officer's release and admonition."

It would be remembered that about ten days ago, in reply to a question in reference to the detention of two officers, Captain Brewster and another, of the seventy-sixth regiment, the right hon. and gallant Officer (Sir Henry Hardinge) stated that the cause of that detention was, that a junior officer had challenged a senior officer, and that the senior officer, having accepted that challenge, had committed an offence, and had been consequently arrested. The right hon. and gallant Officer was also reported to have stated, that as both officers had violated their duty in an unjustifiable manner, the Commander-in-chief had punished them by an arrest at large; but that the Commander-in-chief bearing in mind the long period they had been under arrest, intended to release them after a suitable admonition. Now, what he was anxious to show was, that that statement, so far as it referred to Captain Brewster, was incorrect. He need not say that he was sure the inaccuracy did not attach to the right hon. and gallant Officer whom everybody in that House, and out of it, knew to be incapable of stating anything but what he believed to be fully borne out by facts. The effect of that inaccuracy might, however, be injurious to the character of Captain Brewster, and he (Mr. Gill) therefore, now asked for some further explanation, in order to remove any imputation which might, in consequence of that statement, rest upon that officer, and he was sure that no one would be more anxious to remove such imputation than the right hon. and gallant Officer. The two officers referred to were, it appeared, ordered under arrest by another officer, who was present at some proceeding which had taken place between them, and who had subsequently communicated the fact and the circumstances which had occasioned the arrest, to the commanding officer. Now, he (Mr. Gill) found, by the Articles of War, that no officer was liable to arrest except for an offence committed, and that it was the duty of a person putting an officer under arrest immediately to take steps for instituting an inquiry by court-martial or otherwise. When he stated to the House that Captain Brewster had not been guilty of any offence deserving punishment or scarcely arrest, he thought he was not asking too much when he asked for the removal of an imputation which might militate against his reputation as an officer, or his character as a gentleman. After being five months under arrest, Captain Brewster wrote a letter to his commanding officer, begging it might be forwarded, through the major-general in command of the district, to the Commander-in-Chief, entreating to know under what charge he was detained, and stating that if any offence was charged against him, it might be subjected to whatever tribunal the Commander-in-Chief might think fit to select. To that letter no reply had been given. Subsequently two letters were written by Sir David Brewster—one of them to his Grace the Duke of Wellington, and the other to Lord Fitzroy Somerset. The noble Duke, in his reply to Sir David Brewster, said he was aware his son was under an arrest, but that certain regulations were being prepared to suppress Duelling, and it was intended that the two officers (Captain Brewster and the other) should be made subject to them when completed. Notwithstanding this, these two officers were continued under arrest three months longer. There was one other circumstance he wished to advert to, which was, that during the first six weeks of their arrest these officers had been confined to their room, and were only liberated in consequence of the medical certificate of the surgeon that they were suffering in their health from their close confinement. He thought the House would agree with him that this severe punishment was uncalled for, and that some explanation was due to the character of Captain Brewster. He wished to know whether the right hon. Baronet had any objection to communicate to the House a copy of the order of the Horse Guards for the liberation of these Gentlemen, and the admonition given to them.

Sir *H. Hardinge* would at once state that he could not produce the paper asked for; first, as it was contrary to precedent thus to communicate to the House of Commons matter of detail connected with Military Administration; and secondly, because the case had originated in a private quarrel, the nature of which would necessarily be disclosed in the publication of the admonition issued from the Commander-in-Chief, and the revival of which after it had been honourably adjusted could answer no good purpose. He had attached no imputation to the senior of the officers concerned beyond his having violated military law in taking a challenge from a junior who had conducted himself in a highly improper manner, which, however, the senior had generously forgiven and had become reconciled to his adversary. No doubt generally, in ordinary cases, the Commander-in-Chief would cause inquiry into the circumstances; but in the present instance the quarrel had been purely private.

Mr. *Gill* said the explanation had been perfectly satisfactory.

HOURS OF LABOUR IN FACTORIES.] House resolved into Committee on the Factories Bill.

The consideration of Clause 2 was resumed.

Mr. *Egerton* moved that the word "silk" be omitted from the second clause. The provisions of the Bill, he thought, would have a most injurious effect, if applied to the silk manufacture. He did not wish by a side-wind to thwart the benevolent intentions of any party: but the persons connected with the silk trade were anxious that the distinctions hitherto recognized between that and other trades should be continued; and that regulations applied to them should be applied to them only, and not comprehended in regulations applicable to other branches of manufacture. He adverted to the progress of legislation on the subject of the silk trade, and observed, that the present was the first time that it had been included in one general measure affecting other trades, and he was at a loss to understand on what grounds. The general provisions of the present Bill would be very injurious to the silk manufacture, on account of the peculiar nature of that manufacture. We understood the hon. Gentleman also to observe, that a great number of children were required in the silk manufacture; that they were not exposed to unpleasant effluvia in the manufacture, and that the masters afforded every facility for education. He thought it necessary to legislate cautiously with regard to such great interests.

Sir *J. Graham* assured his hon. Friend that he was anxious to deal with caution in reference to the great manufacturing interest brought under the consideration of the Committee, and he also admitted that the silk manufacture had been treated distinctly from the other manufactures included in the Bill. The effect of his hon. Friend's proposition was to take the silk manufacture out of the operation of the present Bill; and to that he could not agree. If there was any portion of the present legislation more defensible than another it was that which extended legislative protection to children. They were comparatively defenceless, and did not exercise with respect to labour an independent will; and the poverty of the parents induced them too often, in spite of their natural affection, to overwork their children, in order to obtain a larger amount of wages. Thus the Legislature appeared to have thought, and its efforts on this subject—at first confined, at the commencement of this century, to apprentices—were subsequently extended to children generally, if employed in factories. At the present moment, in respect to the silk trade, there was no limitation whatever with regard to the age at which children might be employed, and they might be employed at the early age of six or seven years. There was a limitation with respect to the time of their employment, which could not extend beyond ten hours a day, from the time they entered the factory until they attained the age of thirteen years. There was also another regulation to the effect, that children employed in silk manufactories did not require that certificate of education which was necessary in other cases. He, therefore, thought it was important that with respect to these points the children employed in the silk trade should be brought under the general operation of the Bill; and such was the opinion formed by the Committee which sat in 1841. There was, however, a broad difference between the various processes attending the silk manufacture. The Committee to which he had referred reported that a measure ought to be adopted for the purpose of bringing the children employed in the silk trade within the law, and that they saw no reason why the spinning process of the silk trade should not be placed under the same regulations as spinning in cotton, flax, and worsted mills. With respect to the other processes of "winding" and "throwing," the Committee came to a different recommendation, and stated, that from the great number of children absolutely required, it would be extremely difficult to introduce with regard to those processes the same regulations as were applicable to cotton and other mills. Thus, the Committee in 1841, recommended that the children in the spinning process of the silk manufacture should be brought under the operation of the law as applicable to cotton factories. To give full effect to this recommendation of the Committee, he had to state the course which he should propose to be adopted. He must resist the proposition of his hon. Friend, which would take the silk manufacture entirely out of the operation of the present Bill, and should propose to retain the word "silk" where it now stood; but with reference to the 75th clause, which alluded particularly to the silk manufacture, he would state what he intended to propose with respect to the processes of "winding" and "throwing" silk. They must bear in mind that a very large proportion of children to adults, he believed a proportion of four to one, was employed in this part of the manufacture. He should therefore, propose, instead of limiting the clause as it was now limited, to omit the words "1st. day of October, 1846." The consequence would be that no children in silk manufactories would be employed more than six-and-a-half hours a-day, under the general provisions of the Bill, between the ages of eight and eleven years; but between the ages of eleven and thirteen years the children might be employed for ten hours in "winding" and "throwing" silk; and when they passed the age of thirteen years they would return under the general provisions of the Bill; and the period of their employment would be limited in accordance with whatever decision might be come to in respect to the hours of labour. He had reason to believe that this arrangement would be satisfactory to the silk manufacturers generally; he hoped it would be so to the hon. Member, and that the Motion would be of consequence withdrawn.

Mr. *Labouchere* had felt some apprehension with regard to this particular clause, but he thought after what the right hon. Baronet had said, that the objections of the silk trade had been fairly met, and that the present proposition would doubtless give general satisfaction. He agreed that it was not desirable to see the silk trade excluded from the provisions of a general Factory Bill. If the Legislature were to secure to the children the blessings of education and to guard them against over work, it was surely quite as necessary that the Bill should apply to labour in silk factories as to labour in any other Factories.

Mr. *Grimsditch* expressed an opinion that the proposition of the right hon. Baronet would prove satisfactory to the trade.

Sir *G. Strickland* had been a member of the Committee appointed in 1841 to consider the effect of labour upon children in the silk factories, and he must say, that he had been greatly surprised at hearing the interpretation which the right hon. Baronet opposite (Sir J. Graham) had put upon the Report which the Committee had presented. If he remembered right, it was almost the universal impression amongst the members of that Committee that the silk manufacturers had made out no case whatever for exemption from the provisions of this enactment. It was proved before that Committee that the children were employed in rooms which were extremely hot; that they were employed twelve hours a-day; that during the whole of that time they were either running about or standing on their legs, and that very often they did not cover, in the course of the twelve hours, less than from fifteen to twenty miles of ground. One surgeon, a gentleman of Derby, whose evidence he perfectly recollected, had stated that he was employed by the masters in his district, and that his opinions were very strong against any limitation of the hours of labour. He said that twelve hours' exertions was healthy and useful to the children. Some Member of the Committee asked him if he was the father of any young children himself, to which he replied in the affirmative. "Do you make them stand on their legs twelve hours a-day for the good of their health, and walk twenty miles besides?" was the next interrogatory, to which the only rejoinder was that "they were not labourers." It was impossible that the House should fail to see that the children could not endure such Herculean tasks without contortion and deformity. He was glad the right hon. Baronet had conceded so much as he had: he only wished he had conceded more. He feared, too, that his arrangement would be generally liable to invasion, and he particularly referred to the intended difference between the hours of labour of children under and above eleven years of age, as opening a door for fraud in every possible shape.

Mr. *G. Bankes* said, that if the hon. Member for Cheshire persisted in pressing his motion he should certainly divide with him. He was the representative of a body of persons in Dorsetshire who were engaged in silk-throwing. On their part he had made a representation to the right hon. Baronet, not claiming any exemption from the protection very properly bestowed by Parliament upon young persons, but stating that the difference between their manufactures and the woollen and cotton manufactures was so great, that the regulations which applied to the one could scarcely be considered applicable to the others. The reply which he had received from the right hon. Baronet embodied the proposal the right hon. Baronet had made that night, and was, he was bound to say, satisfactory to his constituents. At the same time, however, he thought it would be better to leave them altogether out of the Bill, and he should therefore vote for this amendment if it were pressed to a division.

Mr. *Strutt* thought the hon. Baronet, the Member for Preston, had no doubt unintentionally made most extraordinary mis-statements respecting the Report of the Committee of which he had been a Member in 1841. There was hardly a word which the hon. Baronet had stated which could be borne out. The hon. Baronet had first of all told them that the children engaged in the silk trade worked in a very high temperature. Now, it happened that precisely the reverse was the fact; for, whilst in the cotton trade the temperature was necessarily high, in the silk trade it was necessarily low, and indeed the silk manufacture could not by any possibility be carried on in an unduly heated room. The hon. Baronet had further said, that it had been proved by a surgeon belonging to the town which he had the honour to represent, that children in silk factories had been known to run from fifteen to twenty miles a-day. Now, he had a perfect recollection of the evidence referred to, and what was the fact? The surgeon in question stated, no doubt, that he had known children run backwards and forwards from fifteen to twenty miles a-day in pursuance of their occupation as silk-workers, but he had stated the circumstance as a curious fact; and he had said that it occurred, not in a silk-mill—not in any factory that came within the scope of the operations of this enactment—but in a mill for the manufacture of sewing-silk, which was conducted on somewhat the same principle as rope-making, and in which it was necessary for children to run from one end to the other of the building many times during the hours they were employed. The hon. Baronet had also said, that it was a common practice to work children in silk-mills from twelve to fourteen hours a-day, and that that labour was stated not to be injurious to health. Now, there was not a single silk-mill in Derby which worked more than ten hours a day, nor, he believed, was there one proprietor of a silk mill in that town who desired to work more. As to the question which had been put to the surgeon about his own children, he did not recollect that circumstance, but he trusted he had shown that the hon. Member had not sufficiently refreshed his memory upon those subjects to enable him to give quotations with any assurance of accuracy. Upon the general question he (Mr. Strutt) must own that, though he would rather the silk trade had been left out of the Bill altogether, yet that upon the whole he was satisfied with the right hon. Baronet's proposal, and trusted, therefore, that the amendment now before them would be withdrawn.

Mr. *T. Egerton* said, that the general feeling being that the proposal of the Government was satisfactory to the trade, he would not attempt to press the Amendment he had brought forward.

Clause agreed to.

On clause 8. No young person or female adult to be employed in a factory in any one day more than — hours.

Mr. *Sheppard*, before any discussion was taken on this clause, wanted to make a short explanation. He had, in the course of private conversation, mentioned to several Members of the House that he was sure that the manufacturers in Frome, the town which he represented, were satisfied to employ women and children ten hours a-day. At the time he had said this he had felt a conviction that the fact was as he had stated it, but he had not visited the town for three or four years, and, consequently, was not, it seemed, so well aware of all the facts relating to the employment of its labourers as he should have been. The truth was, as he was now instructed, that the children were altogether excluded from employment in the factories at Frome, and that the labour of young persons was substituted. The men spinners worked there for twelve hours a-day, the women and young persons attending the spindles. He was told that a reduction of two hours from the labour period of the day would inflict a serious injury upon the export trade of the town, particularly at a time when the Belgians were so actively competing with them. He felt it right to make this explanation; and he thanked the House for the attention with which they had heard it.

Mr. *V. Smith* said, that upon the words, "no female of any age," in this Clause had turned in fact the whole of the discussion on a previous occasion, as far as the proposal of his noble Friend was concerned. The chief argument was this—that they were restricting labour in the manufactories, and thereby preventing the prosperity and increase of manufactures, and the competition with foreign nations. It appeared to him that the principal, and indeed the only new restriction in the Act, was the labour of female adults. In two instances the House had decided that they would interfere in behalf of the helpless; not indeed between master and child, but between parent and child, upon the principle that the parents were in such a condition as to make their children frequently, to the injury of health, support them by their earnings. The only argument made use of by the right hon. Baronet the other evening was in favour of the restriction as to married women—that labour in factories might be injurious to women with child, or married women; but he had heard no argument to establish a difference between a man above twenty-one, and a woman above twenty-one, as regarded labour in factories. He should, therefore, be glad if the right hon. Baronet would explain upon what ground he imposed a restriction upon the labour of women who were equally capable of determining how far they should employ themselves for profit as men were of a similar age.

Sir *J. Graham* believed this was the first time any restriction was placed on female labour, and he certainly felt it was a restriction questionable on principle, and an exception to all legislation on such subjects. He had stated, and believed it to be true, that female adults, as well as male adults, tempted by a love of high wages, and honest gain, were disposed to flock to factories where labour might be obtained for a longer period than twelve hours. On the other hand there was every reason to believe that a limit of twelve hours to female labour was absolutely necessary to their health under the peculiar circumstances more especially to which the right hon. Gentleman had adverted. Now, he was bound to state as with respect to children, so with respect to females, that being the weaker part of the community, and married women being under the influence of their husbands, they were often tempted to labour under a desire of gain to an extent not consistent with their health. This was an exception certainly, to the general rule, which ought to guide Legislation on this delicate subject, but it was under the pressure of these exceptions that his noble Friend had urged the limit of ten hours instead of twelve, which he (Sir James Graham) thought dangerous and inexpedient. He was bound, therefore, to say that, arguing this question on principle, he could not give to the right hon. Gentleman a satisfactory answer. At the same time he must state that a general practice had been established in the greater portion of the large manufactories that the term of twelve hours' labour should not be exceeded by females.

On the question that the blank in the Clause be filled with the word "twelve," applying to the labour of young children and females,

Lord *Ashley* said, it was not his intention to detain the Committee by any lengthened observations, and he would state in a few words his reasons for urging the amendment of which he had given notice. He would, however, first call the attention of his right hon. Friend opposite to the Report of the factory inspectors. They allowed that in theory these females were considered free agents, yet that in practice they were no such thing. Now, in the Report of Mr. Horner, in October, 1843, he said, "I recently investigated a case in Manchester, in a large mill, where they are now employing workers above eighteen years of age, many of them young women just arrived at that time of life, from half-past five in the morning until eight o'clock at night, with no cessation from work, except a quarter of an hour for breakfast and three-quarters of an hour for dinner; so that these persons, having to be out of bed at five o'clock in the morning, and not getting home till half-past eight o'clock at night, may fairly be said to labour fifteen hours and a half out of the twenty-four. A theorist may say that these people are old enough to take care of themselves. But, practically, there can be no such thing as freedom of labour, when, from the redundancy of population, there is such a competition for employment." (Hear.)

Exactly so; he understood that cheer of the hon. Gentleman (Mr. Ward); all he wanted the hon. Member to admit was that which he now stated; the hon. Member might provide another remedy for the evil, but he only wanted the hon. Gentleman to deal with the fact as he found it. But Mr. Horner proceeded:—

"Twelve hours' daily work is more than enough for any one; but, however desirable it might be that excessive working should be prevented, there are great difficulties in the way of legislative interference with the labour of adult men. The case, however, is very different as respects women; for not only are they much less free agents, but they are physically incapable of bearing a continuance of work for the same length of time as men, and a deterioration of their health is attended with far more injurious consequences to society."

This was the opinion of those Gentlemen who had devoted nearly twelve years to the consideration of this subject, telling them as the result of their experience that females employed in factories were not free agents, and that it was the duty of the House to interfere for them as though they were persons having no self-government or control. It was the invariable opinion of medical men upon that point, and he had never heard it dissented from either by persons in the employment of labour or the labourers themselves, that those females could not be considered as free agents. He would now refer to an opinion that was given in the former debate that Mr. Horner had been giving any opinion in favour of a limitation of labour to ten hours. Now, it happened, that Mr. Horner had given a very important opinion on that subject—one of the most valuable he had seen. In his Report of December, 1841, he said:—

"There can be but little doubt that working ten hours a-day would be more favourable to health, and the enjoyment of life, than twelve hours can be; but, without entering into the question of health, no one will hesitate, I think, to admit that, in a moral point of view, so entire an absorption of the time of the working classes, without intermission from the early age of thirteen, and in trades not subject to restriction much younger, must be extremely prejudicial, and is an evil greatly to be deplored. Some there are, undoubtedly, who by more than ordinary natural energy overcome this disadvantage, but with the great mass it has the effect of rendering them ignorant, prejudiced, addicted to coarse sensual indulgence, and susceptible of being led into mischief and violence by any appeal to their passions and prejudices. With so few opportunities of mental culture and of moral and religious training, it is surprising that there should be so many virtuous and respectable people among them."

Mr. Horner then proceeded to show the necessity of a portion of the day being assigned to instruction, and said:—

"No remedies can be so securely relied on (and they are attainable if the country will consent to give the requisite funds) as of education."

Not only that, but to practice that which they might have acquired. Mr. Horner then said, the remedy of such an education, however sure, must be slow in its effects; but much might be done for the existing generation of adolescents, and even adults, by good evening schools, for those at least whose hours of work would enable them to attend schools; and the second remedial measure I have named would save thousands from the public-house and its long train of accompanying vices. Many had said that the reduction of the hours of labour would lead to a reduction of wages: but he would ask the House, whether it were better to have a sound and moral population with a small amount of wages, or a people worse as to their moral condition, but in what might be called a far better financial position? Mr. Horner, who had made this inquiry, had conducted it with the greatest attention and accuracy, and he thought it was not possible for any man to evince more zeal than Mr. Horner had shown in acquiring information upon this subject. But there was one very important fact connected with this subject of wages which showed the accuracy and fairness of Mr. Horner. He gave a long detail of the effect of a reduction of the hours of labour on the condition of the labourer, but at the same time he told them that all the information he had received as to wages had been obtained from millowners only; that he had endeavoured to obtain statements from the operatives themselves, but without success. Observe that in this great and important question, Mr. Horner stated most fairly that he gave only one side of the case—that he was not able to obtain one opinion from the operatives. That statement, therefore, must be received as Mr. Horner intended it should be, with very great allowances. When he entered into these details, it might appear that he was travelling out of the line he had proposed, but he wished only to put the question upon the great and broad principles of justice and humanity; and when it was said that his proposition, as compared with that of the Government, was the more inhuman of the two, it was necessary for him to prove that, at any rate, whether they concurred or not in the course he took, the proposition he made could be borne out by certain statements of the operatives themselves. This question of the reduction of wages was no new question. It had even been urged as a preliminary argument against any reduction of labour. It was one of the chief arguments in 1816, 1817, and 1818, before the hours of labour were reduced from sixteen to twelve hours a-day. It was the same in 1833, but in both instances the prediction was contradicted by evidence. He recollected perfectly well that it was said, in respect of those children who were put on half-time in 1833, that they would lose in their earnings; but had any such result taken place! Quite the reverse. When he went into the manufacturing districts in 1836, he inquired what had been the effect upon the wages of the children, and he found that in almost every instance—certainly in worsted and in a great part of the cotton manufactures—wages had continued precisely the same, and children for eight hours work got as much as they did formerly for twelve hours' work. There was the same prediction in 1818. But there was a curious statement made at the time, in a petition for restricting the time of labour in the cotton factories, which was presented by Sir Robert Peel, the father of his right hon. Friend; and in presenting that petition he made these remarks:—

> "He rose to present a petition which, he said, was unanimously signed by a class of men who had rendered as great service to the country by their industry and skill as any body of persons of the same order in society. The petitioners had come to him most unexpectedly, but he felt that they were entitled to his peculiar attention. They were aware that the attainment of their object must be attended with a reduction of wages; but, anxious for health, and wishing to enjoy some of the comforts of life, they were willing to submit to that sacrifice. He had had a communication with some of these poor men this morning, and he could not hear that statement, or witness their appearance, which confirmed their statement, without shedding tears. As the House valued the trade of the country, it could not fail to feel for the sufferings and consider the interests of those by whom that trade was supported. How then would the Gentlemen who heard him regard those poor petitioners, who, in rooms badly ventilated and much overheated, were compelled to work from fourteen to fifteen hours a-day? Young persons might endure such labour; but, after a certain period of life, it became intolerable. Premature old age, accompanied by incurable disease, was too often the consequence of excessive labour in such places. He had himself been long concerned in the cotton trade; and, from a strong conviction of its necessity, he brought in a Bill for the purpose of regulating the work of apprentices: but since that Bill had passed into a law masters declined to take apprentices, and employed the children of paupers without any limitation. Hence the law was evaded and rendered ineffective for the object which it had in view, the prevention of inhumanity; and he hoped it was not inconsistent with our Constitution to legislate for the protection of children as well as grown persons against the harshness of their employers. Those immediately concerned in the cotton trade did not perhaps perceive the injury to health which their workmen suffered, as they were in the habit of seeing them every day; but the injury was obvious to every stranger. Such facts were detailed in this petition as presented an appeal which could not be withstood by any assemblage of Gentlemen susceptible of common humanity; and these poor people had no other protection but in that House."

The Report stated, that the hon. Baronet manifested throughout very great emotion, and his statement was listened to with profound attention. Now if the statements of the hon. Members for Durham and Manchester as to the amount of wages in the cotton factories were correct, he thought they would agree to his position; because they had shown that the cotton manufacturers were in receipt of such large wages, they could very well afford to give up a portion of those wages; and if, at the same time that it was shown they could afford to do so, it was also shown that they were willing to bear with the abatement, he could not understand how that House could stand up against it. He would now just refer to some little details connected with the domestic condition of operative families in the manufacturing districts. He believed he would be able to show by these statements, which had been furnished by several families, that there was no reason to apprehend any bad result to the operatives from a reduction of wages consequent on the reduction of the time of work from twelve to ten hours. He would suppose the case of a single woman working in a factory and earning 9*s.* a-week. He hoped the House would allow him to read these statements, for they would prove the case of the operatives—that they had nothing to fear from a reduction of wages consequent on a reduction of work. A single woman, earning 9*s.* a-week, would have to pay at least 6*d.* a-week for washing; the expense of making and mending her clothes would be 4*d.* a-week; and the cost of her tea, which was, under the existing system, carried to her in the mill, but which, if the period of labour were reduced to ten hours, she might get out of the mill, was 1½*d.* a-day, or 7¼*d.* a-week. Her total expenses, therefore, in consequence of her confinement in the mill, and her inability to perform certain domestic duties, would be 1*s.* 5½*d.* a-week. But suppose the case of the same person under the ten hour system; and suppose that the reduction of one-sixth of the present period of labour was attended with a reduction of one-sixth of her amount of wages. She would then be a gainer of ½*d.* a-week, because she would be able to wash and repair her own clothes, and to take her meals at home. That was the case of a single woman, stated by herself. But he would refer to another statement of the expenses of a family of five persons, three of whom worked in a mill twelve hours a-day, the father being out of employment, and the mother and two children working in the mill. The mother obtained 10*s.* a-week, the eldest child 4*s.*, and the other 3*s.*; making the total weekly receipts of the family 17*s.* But what were the outgoings under the present system? The expense of washing, which they were obliged to send out, and mangling, was 2*s.* a-week; it cost them 1*s.* a-week to employ a woman to assist the husband—who remained at home, performing the domestic work—in cleaning the house; and a further expense of 1*s.* a-week was incurred by the necessity of sending meals out to the mills. Hon. Gentlemen were aware that, if a family dined together, each person satisfied his appetite, and any food which remained might be kept for a subsequent meal; but if the meals of each member of the family were sent to different mills any surplus food was likely to be wasted. A very considerable weekly saving would therefore result from families being able to take their meals together. But there was another source of loss to be taken into account—that which arose from the cooking being performed by the husband. He (Lord Ashley) believed that no man, whether Frenchman or Englishman, could cook so economically as a woman. The loss which resulted from cooking being performed by the husband might be calculated at 1*s.* a-week. The total loss of the family was, therefore, 5*s.* a-week; this sum, deducted from the wages of 17*s.*, left 12*s.* a-week for rent, provisions, clothing, and other necessary expences. But he would state the expences of the same family under the ten hour system, supposing that the rate of wages was reduced in the same proportion as the hours of labour—by one-sixth. The total wages of the family would then be 14*s.* 2*d.* a-week; but mark what economy resulted from the happier circumstances in which they were placed. The washing and mangling, which were formerly sent out, would now in a great measure be done by the women, in consequence of their reaching home earlier, and it might therefore be calculated that the cost of washing, &c., would not exceed 1*s.* a-week. Then his informant calculated that the cost of employing a woman to assist the husband and wife in cleaning those parts of the house which required the hardest work would be 6*d.* a-week. The total expence to which the family would be put for these purposes would thus be only 1*s.* 6*d.* per week, leaving a balance of 12*s.* 8*d.* to meet rent, provisions, and clothing. This statement proved, he thought most satisfactorily, that a family which under the twelve hour system received 17*s.* a-week, and under the ten hour system 14*s.* 2*d.*, would, under the latter system, effect a saving of 8*d.* a-week. These were statements with which he had been furnished by operatives themselves; and he would now refer to another communication which he had received from an operative, the head of a family, and a man of considerable ability. His informant took the case of a family of four persons, all working in different factories. What were their expences? In each case tea had to be sent separately.

> "The expence and inconvenience of this system, (said the writer), is, that whatever state of appetite the parties are in, the full amount of victuals sent is either consumed or destroyed, by which much waste is occasioned. In working ten hours a day, three meals would be quite sufficient, and much more conducive to health than four under the present regulation,—dinner between one and two o'clock, and again an evening meal about six o'clock, would be quite ample for the day."

He had been told by operative spinners that, under the present system of working twelve hours a day, their exhaustion was so great, that it was absolutely necessary they should have at least four meals a-day; but that, with a reduced period of labour, they would be content with three meals per day. They stated, that under the existing system, they were obliged to take food even without appetite, as a stimulus to enable them to go through the closing hours of their day's work. The writer of the letter from which he had been quoting proceeded,—

> "By this means a meal would be saved, besides the domestic advantages of all taking our meals together. When the writer of this note worked ten hours a day, in the latter end of 1842, he never had more than three meals a-day, all plain food at home. When working twelve hours in the same mill afterwards, he was obliged to have extras (say a little ham) for his tea, but which he found by no means so adequate to the maintenance of his strength as short hours and plainer food. When the ten hours a-day (short time) was going on in 1842, the persons in the mill established a school, and bought themselves forms, &c., and were taught by some of the spinners to write and read; when the mill commenced working twelve hours the school was abandoned, and all desire for learning almost extinguished."

But they must take into consideration that, in consequence of the members of the family being employed in different mills, it was the work of one child to carry their meals to the several mills, and the labour of that child was consequently lost. The general result, then, of the reduction of the hours of labour would be this,—that one meal would be saved, the other meals would be greatly economized, and the labour of the child now employed in carrying the meals might be turned to good account. But there was another consideration more important than any he had yet mentioned. It was calculated, and he believed the statement would be confirmed by every operative spinner, that, if the hours of labour were reduced from twelve to ten, it would have the effect of prolonging, by at least three years, the duration of the working life of the operatives. It had been said, that such a measure would prolong their working life for five years; but he had not the slightest doubt it would prolong it for at least three years. There was only one other fact—a very remarkable one—to which he would call the attention of the House, as showing the moral character of females in the manufacturing districts. He found, from tables showing the number of criminal offenders in England and Wales in 1841, that

> "The proportion of females committed for offences is much greater in the manufacturing and commercial counties than in the agricultural. On a comparison of thirteen agricultural and thirteen manufacturing counties the aggregate proportion was—in the agricultural counties only one female to 601 males; in the manufacturing and commercial counties one female to 388 males."

He begged to apologize to the House for having detained them so long; but he was anxious to show what were the feelings of the operatives on this subject—that they did not entertain any fear of the effects of a reduction of wages; indeed, he thought he had shown by the statements he had quoted, that a reduction of wages combined with a reduction of the hours of labour, would be to their advantage. Do allow me (continued the noble Lord) to appeal to the House to consider the position in which this question now stands. Let Her Majesty's Government recollect that this is no new proposition—that it is not now brought forward for the first time; but that for twelve years past this question has gradually been growing up to its present magnitude. For twelve years it has been the subject of deep thought and deliberation, and I entreat you to bear in mind the position in which the question now stands. After a majority in this House—and a majority so constituted, comprising the representatives of the greatest commercial constituencies in this Kingdom, and backed, moreover, by the fervid and undying sympathies of the country—after such a majority has affirmed my proposition, do Her Majesty's Government think it wise, do they think it just, to reverse that decision by the simple exercise of official authority? I appeal to the House whether, having excited the hopes and expectations of the people, they will now rescind their former decision, and disappoint those animating and fervid anticipations which are entertained by the great body of the manufacturing operatives? I do hope, from the bottom of my heart, that this noble and august Assembly will consider its own character—that it will not so speedily reverse its own decision; but that it will have some regard to the character it has to maintain before this country, and before all the nations of the world. But do Her Majesty's Government really think that this cause will not eventually triumph? Do they suppose that the principles and feelings which have been excited in the minds of the people will ever rest before the desired consummation is attained? I am convinced that, though you may succeed to-night—not that I believe you will—though you may succeed to-night, the effect of your success will only be to give additional vigour and determination to those who have so long advocated this cause, and to those whose interests are involved. And what will you have gained? If you succeed in your attempt to defeat my proposal to-night, you will have gained nothing but a little prolongation of suffering and toil; and, depend upon it, the sympathies of mankind and the feeling of this country will compel you to surrender your position, and you will surrender at last, when concession shall have lost all its grace, and I fear not a little of its remedial power. The House would of course understand, that if his proposal to limit factory-labour to ten hours should be affirmed, he would move the proviso of which he had given notice, postponing the full operation of the Measure till 1846. The noble Lord concluded by moving that the blank in the Clause be filled up with the word "ten."

Sir *William Clay* should oppose the Motion, but he should do so actuated by the same motives by which the noble Lord stated himself to be guided, viz., motives of humanity and justice. He could assert most sincerely, that if he thought the course recommended by the noble Lord, the most consistent with humanity and justice, he would willingly follow it; but such was not his opinion, nor did he think that the noble Lord, or those who acted with him, were entitled exclusively to atribute to themselves the being actuated by these motives. His opposition to the Motion, arose, not from any bigotted adherence on his part to any dogma of economical science, he did not object to the Motion *in limine*, because it contravened the great principle of non-interference with industry. Undoubtedly, it was true, in the abstract, that there should be no interference in the transactions between individuals, and that the labour market should be left to regulate itself by the operation of supply and demand, but it seemed to him that by the course of their recent legislation and the precedent they had established, they had precluded themselves from standing by this principle. Were it not so, however, he must confess, that he thought there were circumstances in the present times—symptoms in our social condition, mighty causes in operation, which rendered it highly unsafe, impossible indeed, to consider the mere enunciation of that principle a sufficient answer to those who sought a remedy for any great evil in the relations between labourers and their employers. Still, he thought, and he presumed the noble Lord would go with him to that extent — that non-interference should be the rule, and interference the exception — that the assumption should always be, that it was better to let the value of labour, like all other commodities, be regulated by supply and demand; and that the burthen of proof should always rest on those who sought to interfere between the employer and those he employed. It should be shown, first, that there was a great evil only to be remedied by legislative interference, and, secondly, that the proposed remedy would not produce greater evils, would not, in short, be worse, than the disease. Did the case with which the noble Lord proposed to deal satisfy these conditions? In his opinion, it satisfied not one of them. He was by no means convinced of the extent of the evil as stated by the noble Lord. He was still less satisfied that the plan of the noble Lord would remedy what there was of evil. The evils seemed to him to lie in one direction, and the noble Lord's remedies in another, or rather, he believed that the proposed remedies would aggravate the evils complained of: whilst on general grounds, he entertained the strongest conviction, that the measure of the noble Lord was fraught with danger to the welfare of the community, and above all, to the well-being, the comfort, the very existence of those classes whom the noble Lord sought especially to benefit. Now, was there such an evil to be remedied as to call for the amount of legislative interference contemplated by the Motion of the noble Lord? Would the system of factory labour as regulated by the Bill now before the House, (for that was the point to look to) be of so severe, so degrading, so repugnant a character, as to require the further restriction sought to be imposed by the noble Lord? He was of opinion, that there was no proof that such was the case, that the evidence, comparing factory labour with almost every other species of labour, tended to the contrary presumption. Without wearying the House with statistics, or going over ground which had been already trodden, let them look at those facts, respecting which there could be no dispute. With regard to the evidence respecting the influence of factory labour on the general health of those engaged in it, he would only make one observation; that, although there was very great discrepancy in the evidence given by medical men on the subject, yet that the opinion of its highly prejudicial influence on the general health was principally entertained by men who had no personal knowledge on the subject, while those medical men who lived among the factory population, and had the experience of years of the effect of factory labour entertained directly opposite opinions. On this point, hon. Gentlemen would do well to consult the able and dispassionate statements of Mr. Noble, in a pamphlet published by that gentleman last year. But turning from opinions let them look at facts—look at the evidence appended to the sanatory Report, and to be gathered from the publications of the Registrar General. Was the mean duration of life less among the operatives of Manchester than among the operatives of other large towns? On the contrary, it was less than at Liverpool, less, he regretted to say, than among his own constituents at Bethnal-green, and there were the very strongest grounds for believing, that the low state of health of the operatives at Manchester or elsewhere, depended far more on the nature of their dwellings and the defective state of sewerage, and other means of securing the health of towns, than on the peculiar nature of their occupations. With respect to the health of the labourers in factories elsewhere than in great towns, they had the unimpeachable evidence of Mr. Senior in the letter referred to the other evening by his hon. Friend the Member for Manchester, and alluded to in the *Chronicle* newspaper of that morning, that it was above an average. Evidence of a like kind was to be found in the Reports of the Commission of Inquiry in 1834. The conclusion to which the evidence of the hon. Gentleman tended, was strengthened by a reference to the very nature of factory labour—it was very light labour. Mr. Senior, in the letter to Lord Sydenham, to which he had already referred, said, that with the exception of the male spinners (a very small portion of factory labourers, probably not exceeding 12,000 or 15,000 in the whole kingdom, and constantly diminishing in number), the work is merely that of watching the machinery and piecing the threads that break. "I have seen," so he says "the girls who thus attend, standing with their arms folded during the whole time that I stayed in the room—others sewing a handkerchief or sitting down." Mr. Tufnel, one of the Commissioners of Inquiry in 1834, in his able Report says, "Of all the common prejudices that exist with regard to factory labour, there is none more unfounded than that which ascribes to it excessive tediousness and irksomeness above all other occupations;" and he goes on to speak of the nature of the occupation, much in the same terms as Mr. Senior. The work of the mule spinners was, however, no doubt laborious, but with regard to that, there was the most extraordinary disparity of evidence. The noble Lord had entered into very elaborate statements on that point. He gave us the results of calculations made, as he said, by one of the most experienced mathematicians in England, the following extraordinary facts. Discarding, the noble Lord said, cases which yet occurred where the mule spinner walks thirty-seven miles a day and taking the average,—

> "The distance travelled will be in a mill spinning number fourteen yarns, twenty-two miles; number fifteen yarns, twenty-four miles; number thirty yarns, thirty miles. But this was not all. In estimating the fatigue of a day's work due consideration," said the noble Lord "should be given to the necessity of turning the body round to a reverse direction not less than from 4,000 to 5,000 times in a day, besides the strain of continually having to lean over the machine, and return to an erect position. The House will be aware," said the noble Lord "of the great strain requisite after leaning over the machinery, in bringing the body back to an upright position. It often happens, indeed, that the body is bent in the form of a right angle."

He was quite sure that that noble Lord placed entire faith in these astounding assertions. The noble Lord would pardon him if he expressed his entire disbelief of them, and took the liberty also of saying, that the belief of them by the noble Lord did tend to lessen in some degree in his mind, the weight of the noble Lord's authority, when he saw the little amount of caution with which the noble Lord weighed the evidence tending in the direction of his own views. What, thirty miles a day, and turning the body to a reverse position, and bending the body to a right angle, and bringing it back to an erect position 4,000 or 5,000 times in addition, and this not for one day but continuously! Why, no evidence ought to have convinced the noble Lord of the truth of such a statement. The thing was physically impossible. Did the noble Lord know what was the ordinary day's march of a regiment of infantry?—that which men could keep up. Had the noble Lord never made a pedestrian tour? Had he no opinion as to the number of miles which a man in the prime of life with abundance of food, and in the best health, could walk day by day continuously? Let the noble Lord make an experiment: let him take the most athletic man of twenty-five: let him train him as for a pugilistic encounter, and try for how many days, continuously, such a man could walk thirty miles, and turn himself round, and bend to a horizontal position and raise himself again, 4,000 or 5,000 times—and then let the noble Lord decide whether it could be done for the year round by all the spinners in all the factories which spun No. 30 yarn. But they knew these facts—the work was carried on in large rooms, necessarily, from the nature of the occupation, not over-crowded, whitewashed, ventilated. By-the-way, he did not know why a provision requiring ventilation should not be part of the present Bill. Most of the factories were ventilated, but he thought a discretionary power might be given to the inspectors that all should be so. They knew that the operatives, when trade was brisk, received wages unknown almost to any other class of labourers—60*l.*, 70*l.*, 80*l.*, 90*l.* per annum each family—an amount of annual earnings, implying if well husbanded, all the necessaries, many of the decent luxuries of life. Knowing these things, could they think further legislative intervention imperatively necessary? Comparing factory labour with the labour in almost every other trade or calling, rural or mechanical—were they not forced to the conclusion that factory labour was to be further interfered with, not because interference was most wanted, but because it was most easy. But whatever might be the amount of evil admitted to exist in the working of the factory system, how would it be affected by the plan of the noble Lord? In his conviction the measure of the noble Lord would tend immeasurably to enhance and aggravate every one of the evils of which he complained. What were the points chiefly insisted on in the eloquent and affecting speech of the noble Lord? Why mainly these—1st. That the present system of factory labour had the effect of superannuating adult males at an age when, according to the usual duration of human life, very many years of unabated health and strength were before them, forcing them, consequently, to seek in employments uncongenial to them, and foreign to their habits, a wretched and precarious existence. 2ndly. That it tended to substitute female for male adult labour—thus diverting women from their proper sphere of action—the discharge of domestic duties. 3rdly. That by the preference of very young persons, and making consequently, parents depending on their children; it disturbed and perverted the natural relations in the members of families, weakening parental authority on the one hand, and filial piety on the other, and producing thereby all the train of disorders and vice, so eloquently dwelt on by the noble Lord. Now, to which of these evils would the plan of the noble Lord apply a remedy? What were the temptations to prefer the labour of women to men, and of very young persons to that of persons of middle age, it might be said almost of adults? Why they were twofold, first, because it was cheaper; but secondly, and mainly, perhaps, because as the machinery was improved, became more delicate and moved faster, and required less human labour,—it became more essential that that labour should be, that of persons at the precise period of life when there was the utmost amount of quickness and activity, when the nerves of sight and touch, were in the utmost perfection. The noble Lord's own statistics showed that such was the tendency now. Would that tendency be decreased by the proposed measure? Was it not certain that it would be increased? They were about to take off one entire sixth-part of the time within which the master manufacturer was to obtain a return on his fixed capital. How must he meet this new condition of things? Why, by greater economy in his labour in the first place, and by working his machinery faster in the second. He would seek with tenfold avidity to make his engine, with its Briarean power, do more, and human hands less. He would make his giant of iron and brass work faster too—so fast that it could only have for fellow labourers human beings when the young powers of life were in their utmost intensity, and those powers taxed to their very utmost stretch. Such would be the effect of the noble Lord's plan with reference to the evils he especially proposed to remedy; but far more overwhelming was the argument against its adoption to be drawn from a consideration of the irresistible effect of its adoption on the general condition of the working classes—of those who furnished the labour in factories. It would be at once conceded, that out of the gross returns of the manufacturer, of the amount that was beyond what was necessary to replace the floating capital perpetually employed, must be drawn both the wages of labour and the profits on his fixed as well as his floating capital. If they limited the hours within which he worked his machinery there would be less surplus beyond the mere replacing the floating capital, and either wages or profits, must be reduced. Both would be so; but could there be a doubt which would be so in the greater proportion? The capitalist would take care of himself first. In the present state of supply and demand for labour the operative was at his mercy, and in his (Sir W. Clay's) opinion, the absolutely inevitable result of forced reduction of the working of mills to ten hours would be a reduction of wages in a far greater proportion than as twelve to ten. After the most careful consideration he could give the subject, he did not believe that the right hon. Gentleman the Home Secretary overrated the reduction at 25 per cent. The force of this argument was so strongly felt by the hon. Member for Oldham—certainly well qualified to judge on the question—that, admitting the truth of the proposition as to the result on profits and wages, of reducing the hours of working of the mills—he could only meet it by asserting that, if the quantity produced were diminished, the price of the article produced would rise. A moment's consideration would show, that this anticipation was wholly fallacious. It would be true only if either England were the only manufacturing country, or other countries would adopt the noble Lord's regulations. At present it was impossible to raise prices one farthing beyond those at which they could face foreign competition. England sold in foreign markets, as was stated by the right hon. Gentleman the First Lord of the Treasury, 35,000,000*l.* annually of the products of those factories now proposed to be dealt with. Now, what would be the result of adopting the noble Lord's proposition? Why inevitably, and as of course, one of two. Either England would still send to foreign markets the present amount of manufactured goods at the same price, and then as he had shown wages must be reduced not only in the proportion of ten to one, but in a much larger ratio, or she must send her goods at a higher price, and thus, to a certainty, lose a portion of her present share of the sales in foreign markets, that displacement of English goods becoming larger and larger each year as their foreign competitors produced, as they then would do, larger and larger quantities of goods at cheaper rates, which could always be done as the quantities increased and thus would the demand for English labour each year become less. To be sure it had been proposed by the hon. Gentleman the Member for Ashton, when examined in 1833, before the Commission of Inquiry, that the English Government should by negotiation with all foreign countries, induce them to adopt a ten hours Factory Bill, in which case the price of the articles produced would be simultaneously raised all over the world; but the House would scarcely think the probable success of such negotiation sufficient ground on which to legislate. Let the House recollect that, in adopting the proposition of the noble Lord, they were taking a step in direct opposition to the opinions of perfectly impartial persons, well qualified by long observation to form a judgment—he alluded to Mr. Horner and Mr. Saunders, whose opinions were quoted by the noble Lord with approbation when they seemed to agree with his own, but whose authority he disregarded when it went in opposition to his own views. Let them, above all, recollect that they were legislating for classes the most sure to suffer by any error they might commit. The noble Lord had said, apostrophising the manufacturers, "We do not envy you your stupendous wealth. Peace be within your walls and plenteousness within your palaces; we ask but a slight compensation for it." There would seem to lurk in the mind of the noble Lord—perhaps almost unconsciously to him—some vague and undefined belief that manufacturing profits were so vast, that this "compensation" could be deducted from them without inconvenience. That the manufacturers could afford to give twelve hours wages for ten hours work, and not be very ill off. Never was there a more fatal error. In the present superabundance of capital, it was absolutely certain that not more than the ordinary rate of profit could be obtained in any trade, and that rate was a very low one. But the manufacturer would take care of himself; and in the present state of the supply and demand he could do so, and throw his loss on the wages of the unfortunate operative. Should they, moreover, impose on the capitalist burthens he was unable or unwilling to bear, he might (although, no doubt, with loss) transport his capital and skill to other lands—the operative must remain, destitute and helpless, a burthen to himself and to the country on which he would be thrown back for support. Might he, as an illustration of the probable effect of the noble Lord's Motion on the classes he sought to benefit, bring before the House one illustration which had forced itself on his mind? Perhaps, in the whole speech of the noble Lord—powerful and affecting as it was—nothing produced greater effect on the feelings of the House than his statement of sufferings produced by factory-labour on women in a state of pregnancy. He said, that twelve hours' labour is unsafe and improper for women so circumstanced. Does he believe that ten hours would be safe or proper? It was impossible he could think so. But let the House mark the result of what the noble Lord proposed. He would trust nothing to the prudence of the woman herself—nothing to the tenderness or humanity of the husband. He would not permit any woman to work twelve hours, but how immeasurably did he increase the temptation to those to whom it was most dangerous to work ten? From a family earning 80*l.* per annum, his plan would take 20*l.* Will the mother of that family be more or less likely to absent herself from home—from the care of her children, and to work when she ought to be in repose. In conclusion, he would entreat the House to proceed with caution; the Bill on their Table was no mean advance in the direction of the noble Lord's own views. The Bill met the difficulties and remedied the evils pointed out by the inspectors. The work of children was limited; the detection of fraud was rendered easier. No person under eighteen was to work more than twelve hours; no woman was to work more than twelve hours; no young person, no woman, was to work in the night. Were not these important regulations—to be enforced, let it always be recollected, on the free-will of workpeople themselves. Let the House be contented for the present at least, and proceed no further in a path, every step of which, they might rest assured, was beset with danger to the best interests of the country, and, above all, to the interests of the labouring classes. If he might venture respectfully also to offer one word of advice to the noble Lord, he would venture to tell him that there were other departments of British industry where his benevolent labours were more needed than they now were with respect to factory-labour. No doubt elsewhere he would meet with more difficulties; but the noble Lord had shown that he possessed that noblest of all qualities, that enthusiastic perseverance in well-doing, which was not to be daunted by difficulties. Let him go on, and he would be supported, not by narrow majorities, but by the unanimous votes of that House, and the universal approbation of the public.

Mr. *Monckton Milnes* said, that perhaps his connection with the West Riding of Yorkshire, where this subject had long excited a deep and enthusiastic interest, might be his excuse for intruding for a short time on the attention of the House. He had never risen under any circumstances with so much individual pain as at the present moment, because he rose to speak upon the subject with the conviction that it would be his duty this evening to oppose the Government, with whom he had generally the honour and the pleasure of acting; and he was compelled to do so from a sincere belief that the course which the Government had pursued on this question was one neither of benefit to the country, nor of dignity to themselves. In the course of last year the right hon. Gentleman the Secretary of State for the Home Department brought forward a factory Bill, and he had this year brought forward another factory Bill. The House knew how the former Bill was met, and how it was foiled; and he might be permitted to say, that he considered the yielding up of that Measure by the right hon. Gentleman last year was just as unfortunate as was the perseverance of the right hon. Gentleman in his present course. He said this, because he believed that it was necessary for the dignity of the Government that the Measure of last year should have been carried. He would have risked his seat to have given the right hon. Gentleman any advantage in his power to have carried that Bill. But the question now came before the House under a different aspect, and supported by a different kind of agitation. The agitation which now met the right hon. Gentleman, and which he now so strenuously opposed, was one in which for the last ten years a large portion of the people of this country had been engaged, which had excited the deepest sympathy, and which had now been confirmed by a majority of that House; and yet, under these circumstances, the House was now asked to rescind the solemn Resolution which, after an adjourned debate of two days, it had come to, without any circumstance of casualty or haste, merely because the right hon. Gentleman wished to take the advantage of any chance or contingency which might by possibility induce the House to reverse its own recent solemn decision. He hoped he might be excused for speaking earnestly upon this subject, because he did feel that it was now almost impossible to meet this question with the same calmness that was most becoming and most just on a preceding occasion. The hon. Baronet the Member for the Tower Hamlets, who had just addressed the House, had indeed undertaken a most difficult task. While every other Member seemed to feel that the question was one of enormous difficulty—while it appeared to be the general opinion, that whether the remedy proposed was right or not, yet the evils were great and undoubted—while those evils were generally allowed and unchallenged, that hon. Baronet had undertaken the task of representing the whole matter as a mere dream of philanthropic enthusiasts, and of holding up the factory women and children of this country as persons in so happy and contented a position that it would be most impertinent for the Legislature to interfere with them. He had hoped that that part of the question had long since been settled. He thought that the House felt the enormity of the evils, and that a national guilt had been incurred by the miseries of the unrestricted factory system. They knew that by that system they were bringing up millions of their fellow-creatures in a state of degradation almost lower than that of any slave population. They knew that there were thousands of factory children who had no possible means of receiving either moral or religious instruction. They knew that thousands of them had perished on the very threshold of manhood, it being physically impossible for them, from their exhausted strength, to obtain by labour any of the comforts of life. This question had attracted not only the attention of every Member of that House, but also of Her Majesty's Government; for the Government had this year come down with a Bill directly interfering with labour. On that account he said, that the present Bill had been very unfairly treated. He considered that the debate turning so much upon the presumption that this Bill would not interfere with labour, was unjust to the Bill, to his noble Friend (Lord Ashley), and to the Government itself. A great part of the speech of the right hon. Gentleman at the head of Her Majesty's Government on a former evening, went far more against the principle which it was the object of the Government Bill to establish, than against any modification of it which his noble Friend wished to introduce. It was most true that it did not interfere with the labour of male adults. But, with regard to children, it provided that those under thirteen years of age should only work half a-day—those working in the morning were not to work in the afternoon, and those working in the afternooon were not to work in the morning. This presupposed the adoption of a system of relays, as regarded children. Now childhood, according to this Bill, ceased at thirteen years of age. What his noble Friend wished to do was this—to extend the operation of this part of the Bill up to the age of eighteen years. The whole scope of his noble Friend's Amendment, as regarded males, was as to the ages between thirteen and eighteen years. The proposition of the right hon. Gentleman was, that children up to thirteen years should not labour more than six hours and a half a day; but from that age they were suddenly transferred to labour for twelve hours a day. What his noble Friend required was a sliding-scale in this matter, which the Government had so wisely applied in other ways—that children from thirteen to eighteen years of age should work ten hours a day, and that when eighteen they might work as many hours as the factories worked. He hoped the Committee would keep this steadily in mind, that as far as regarded male labour the sole difference was this—his noble Friend wished so to modify the Bill, that children on attaining their thirteenth year should not be at once transferred from six and a-half hours labour, to the enormous labour of twelve hours. Let the House imagine what twelve hours labour was to a boy of fourteen or fifteen years of age. The hon. Baronet (Sir W. Clay) had attempted to make out that this labour of twelve hours was nothing at all. The hon. Baronet did this upon the authority of Mr. Senior, who having started from his villa at Kensington, and having taken a run through the manufacturing districts, returned to his home, and drew up a report representing the factory labour as the lightest of all possible occupations. Now he knew Mr. Senior very well, and he knew him to be a very excellent and intelligent man; but he was sure that if the hon. Baronet or Mr. Senior were to be set to that labour for twelve hours a day for a single week, they would come down to that House with very different feelings on the subject. But after quoting this opinion of Mr. Senior, of Kensington, the hon. Baronet most inconsistently made it a matter of complaint against his noble Friend (Lord Ashley) for having taken the opinions of persons who were strangers to all the localities. The hon. Baronet said, with regard to the medical part of the question, that the information obtained was not from surgeons of the neighbourhood, and therefore they knew nothing about it. He found in the evidence of Dr. Hawkins, before the Committee of 1833, this passage:—

"I am compelled to declare it to be my deliberate opinion that no child should be employed in factory-labour below ten years of age, and that no individual below eighteen should be employed longer than ten hours. As to the reduction of the hours of labour of all below eighteen, I feel the less distrust in my own opinion, because it has the sanction of a large majority of the most eminent medical men who practise in the manufacturing districts."

Now, he thought that the authority of Dr. Hawkins, of Manchester, was much more to be relied on than that of Mr. Senior, of Kensington. The hon. Baronet had referred to certain statistics which had been brought forward with respect to the duration of lives in the factory districts, but to him these statements did not appear sufficiently to allow for the great amount of new blood which was daily infused into those factories from the agricultural counties. There were many healthy adults constantly entering those districts, which must materially affect any statistical statement upon this head. The hon. Baronet had said, that the notion of a young person running thirty-seven miles a-day was an absolute impossibility. It had, he believed, been physically established as a fact, that a child running about all day for its own pleasure would run over a much larger space of ground than almost any healthy man would do. Therefore he would say, that if a child was kept up to his full speed all day, with the dread of punishment before him, he might perform some such feat as that. But whether the distance was thirty-seven or twenty-seven miles was immaterial; both required a degree of toil which was frightful. Now, when he heard his noble Friend make such statements as these, and when he found it stated in an Address issued by the delegates from Lancashire and Yorkshire, that they had read his noble Friend's speech, "paragraph by paragraph, and that they could affirm from their own knowledge that every statement made to the House was absolutely correct," he was bound to believe that there did exist a very great grievance on this part of the subject. He would now say one word upon the effect of the proposed Measure upon wages. The hon. Baronet had said, that political economy ought not to be introduced into this debate, though he himself certainly did introduce a considerable portion into it. According to the doctrine of wages, as it had been scientifically laid down, it was fully understood that there were at least four elements influencing wages —population, capital, fluctuation of the prices of necessaries, and the standard of living. These four elements together determined the amount of wages. All depended upon each, and each upon all. Therefore, he could not believe, that the mere reduction of one of these elements—all the others remaining the same—could effect that considerable diminution of wages which had been mentioned in the course of this debate. With respect also to the shortening of the time of working the mills, this might be avoided if relays of women, as well as of young persons were established. This Bill required relays of children: the only thing therefore required, was relays of women, and then the machinery might go for any period. There was one part of the Bill which he did not understand—that which required the factories to close at half-past seven o'clock. He did not see why the mills should not be allowed to work the two additional hours during daylight in the Summer supposing there was sufficient labour in the neighbourhood, and a sufficient demand for it. This compulsory closing of the mills was infinitely more harsh, and calculated to excite greater discontent than any condition required by his noble Friend. He would conclude by solemnly appealing to the Committee to look well to it before they rescinded the decision they had already come to. He entreated them to consider under what a very different aspect the Question now appeared before them. It had already gone forth to the country that a majority of the Representatives of the people declared it to be their opinion that women and children were not to be employed in factories more than ten hours a-day. At this very moment they were speaking about it to one another. At this very moment they were telling one another of the glorious result that had followed the exertions of his noble Friend, and that after ten years of unwearied labour this great thing had been at last achieved. The people knew this as well as they (the House of Commons) did, and could any Government suppose, that even if by hon. Members coming up from different parts of the country to vote, they should succeed in rescinding the late decision of the House; could any Government suppose that any such course would turn back into its former channels the feelings of the people, or make them forget what had passed the other night? No! the people would not forget it, and the Government would do well not to think so. He thought it very unimportant which way the majority turned this evening, as regarded the fate of the Measure; because it was already, above all governments and all majorities, absolutely decided. It was impossible now for any Government to stop a ten hours Bill. It was, in every moral sense, as much a part of the law of this country as any part of this interfering Bill which he held in his hand. Wishing from his heart the best in every way to Her Majesty's Government, he most heartily grieved that they had in this matter set themselves against the opinion, against the sympathy, against the good feeling, and against, he believed, the religious sense of so large a proportion of the people of England; and he would now sit down, humbly imploring them, before it was too late, not to persist in that dangerous course, and not drive his noble Friend to extremity. It was a subject he felt deeply upon, and, therefore, he said—not drive his noble Friend to any extremity to which he would be very unwillingly driven, but in which he believed his noble Friend would be supported by a majority of this House. Yes; he believed that a majority would support his noble Friend in an Address to the Throne, declaring to Her Majesty that the only resource was in her benevolence, and in her noble and generous feelings against the short-sightedness or rather blindness of her Ministers.

Mr. *Vernon Smith* wished to say a few words in support of the proposition he threw out just now. His noble Friend had said that he was surprised at his making such a proposition, but he did it conceiving that it would do away with the objection to the Bill on the ground of its imposing restrictions on labour. He believed that the whole of the arguments urged the other evening upon the question, at least those coming from Her Majesty's Government were founded upon this principle—that the Legislature ought not to interfere with the labour of the people. How these arguments were more applicable to a ten hours' Bill, he was at a loss to conceive. It appeared to him that the arguments applied with equal force to their own Bill, for they had declared a limit beyond which infant labour should not go. When he proposed that unmarried adult females should exercise their own discretion as to the length of time they would labour, his noble Friend answered that females in manufacturing districts were so ground down, as not to be free agents. Now, if that applied to them, he thought it equally applied to a large portion of the male population of this country. He would ask whether the male labourers of this country were perfectly free to choose what work they would do, and what wages they would receive, and whether it was not the case, that it was always more in the power of the masters to say you shall work, than in the power of the labourer to say, "I will not." He thought his noble Friend had not answered that point. But they were not interfering with the great principle that regulated these things, namely, that the employer and the employed should settle between them the rate of wages. He would now look at the regulations which were proposed by this measure. They had, at all events, declared that they would interfere on behalf of children. On what score. On the score of their helplessness, because it was alleged that the parent would work their children, to aid in supporting their families, to the prejudice of the health and morals of the children themselves, and because the working of women and children interfered with all the domestic relations, unhinging the whole scheme of society by making men of forty years of age able to live upon the work of their wives and children; whereas, in all the other relations of life the wives and children were supported by the man. All and all that his noble Friend wished to do was, to insert the word ten instead of twelve. Now, if the Legislature had never interfered at all, he confessed, that he should have thought that they had acted rightly. But in 1833 the pressure was so great from without that all parties were determined to interfere on behalf of children. That point, therefore, as far as interference went, was settled. The question now proposed to him, therefore, was, whether a child was more capable of working ten hours than twelve? He could not hesitate a moment in declaring it to be his opinion that ten hours was a better period than twelve. He thought no man could doubt that at that tender age ten hours was a more proper period than twelve. He had never heard any man say that he thought it was beneficial, or that it was not prejudicial, for a child to work twelve hours a day, or that a child could work that number of hours without prejudice to health, morals, and religious education. The argument of most power which had been advanced against the diminution of power was that which was urged by the right hon. Gentleman, the Secretary of State for the Home Department. He said, "Beware of what you are about!" and borrowing a metaphor from the noble Lord, but using it in a different sense, the right hon. Gentleman said, "You are laying the axe at the root of the tree;" but the noble Lord spoke in reference to the morals of the people, whereas the right hon. Gentleman used the words as regarding money and commerce, which the right hon. Gentleman seemed to think would be put in jeopardy if they were to diminish by two hours a day the exhausted labours of the poor children of this country. Now, he remembered, in the debate of 1833, a Gentleman with whom he did not much agree in politics, but whom at the same time he considered a person of considerable talent and humour—he meant Mr. Cobbett—he remembered that gentleman saying—"That he had heard that the greatness of this country depended upon its navy; that at other times it depended upon the learned profession, and at other times upon its great Statesmen; but he never till that moment heard that it depended upon the over-working of little girls in factories." It had been said, that a reduction of 25 per cent. in wages would be the result of this limitation of infant labour. How that could be when the reduction of labour was only one-sixth, he could not understand. If there was any honesty in the working of the Bill, the diminution of wages could not amount to more than the diminution of time. But he would venture to say, that though the diminution of time was one-sixth, the diminution of profitable labour would be much less, because the last two hours would be the least efficient, owing to the exhaustion caused by the previous ten hours of labour. But he could not think that the commerce of this country was really in so ticklish, hazardous and perilous a state as to depend upon so small an amount, more or less, of additional labour. But he must own, that if that was the case, he was not prepared to say, that the morals of this country were not to stand beyond even its commercial greatness. He was not prepared, at any moment of his life, when he was told of what was going on in these factories among the children, and that they were being brought up decrepid and depraved, to go on overlooking their condition, and regarding only the advantages to be derived from extended commerce. But he took a wider view of the question than this. He must own, that if the proposed diminution of labour should induce some evils as regarded our commerce, it appeared to him that the change would be attended, on the other hand, with great advantage to the country. It might diminish wages to a certain money amount, but he was prepared to make up for this by giving an additional hue of health to the people, and rewarding them in moral wages, which would be of more value to them than money itself. [An hon. *Member*: "How are they to live?"] His hon. Friend asked how were they to live? Why, there was no danger in this country, of their starvation. [*Cheers.*] He would repeat there was no danger of starvation of any one in this country, and he hoped that the cheer of the right hon. Gentleman opposite was an assenting cheer to the fact that there was no such danger. Well, what was the question, then, he had to decide? It was whether the amount of money wages was of more value to the people than the greater amount which this measure would give them of a moral and a religious education, and a vigorous frame. He believed that advantage was not derived in the manufacturing districts by those who enjoyed a higher rate of wages than what was received by the great bulk of their own class. He was told that those persons were not the most moral, the most thrifty, or the most careful of their families, but that it often happened that having a higher amount of wages they were induced to spend it profligately, and become spendthrifts. He was only stating what he had been told occurred in the manufacturing districts, where particular persons were paid higher wages than the rest of the society from which they sprung. His object would be to put every person in this country upon the footing of as good wages as they could earn. That seemed to be a very general opinion, and no doubt that would be the object of every wise Legislature. But he did not think that there was any advantage in keeping a particular set of men up by legislation at a higher rate of wages than others could earn; therefore he did not think that very high wages, beyond those usually earned by any particular class, were advantageous to the people themselves. He would much rather allow them some portion of time, which they might devote to education, recreation, and exercise. By so doing, they would raise up a much healthier and sounder population than by allowing them to earn the utmost amount of money wages that they could obtain. The House would do well also to look at the effect of the present system; it was an encouragement to the men to throw the work upon the women and children, and thus new motives were given for forming early and imprudent marriages; the husband would reckon upon being maintained by his family, instead of his family being maintained by him. This was a condition of society it would of all things be desirable to avoid; and if a risk were to be run he was willing to incur it, for the sake of the improvement of the health and morals of the people. He had understood, that by an agreement between the noble Member for Dorsetshire and the Government, the debate on this question was to be taken on the first Clause of the Bill. It had been so taken, and now the House was involved in numerous difficulties by having passed over other Clauses, and by a re-debate of the question of ten or twelve hours' labour. In his experience of Parliament, he had hardly known a question better decided in all respects than this had been on Monday last. Sufficient notice had been given; the debate had been adjourned; and Gentlemen had had abundant time to consider the votes they should give. Government had taken two divisions on the same evening, and now they were preparing to take a third. He had no doubt of the courage of the right hon. Baronet to take another division, but he (Mr. Vernon Smith) doubted the policy of attempting to revoke a decision so deliberate, without a single new argument or a fresh scrap of information. The only difference was, that the Government had since made some fresh endeavours to gather round them their usual allies, well knowing, too, that on the former occasion not one of their independent supporters had ventured to say a word in their favour.

Mr. *Cardwell* was desirous of addressing the Committee, not because he thought he could throw any new light upon a subject which was already exhausted—but because it had happened to him to pay attention to this question from a period antecedent to that at which it had been taken up by the noble Lord; and although he had not the good fortune of arriving at the same conclusions with him, yet he begged to assure him, and he did not think he asked too much in claiming credit for the sincerity of this assurance, that the main object present to his mind had always been an earnest hope that, in any measure which Parliament might devise, they would at least do nothing to impede—they would if possible do much to promote—the growing prosperity of the great operative classes of the country. Now this question had been divided, with reference to its popularity, into two sides, in a very remarkable way; and it had been stated that one side took a purely commercial view, while the other rested entirely upon a basis of morality and humanity. One hon. Member, who stated this distinction in strong terms, had borrowed, perhaps unconsciously, the language of the classical historian of Lancashire, who spoke of "passing children through fire to Moloch, and through filth to Mammon;" and such was the tone in which it was thought right to speak of those who ventured to differ from the noble Lord. Now, he altogether denied the soundness of this distinction. He did not deny that it was possible to take a purely and strictly commercial view of this question. He did not deny that it was possible for a sordid man to think of nothing but how he might extract from the toil and sufferings of others the largest fortune for himself. But he did deny that they could altogether discard the commercial view of the subject, and rest solely upon considerations of morality and humanity. Did they know what they were talking of? Was it possible for any man who had the least experience on these subjects—or, if he had no experience, who, in the absence of it, applied to the matter a common capacity, not to know how much both the physical and moral comfort of the manufacturing classes depended upon the commercial view of the question? It was scarcely possible for any of them not to know that the success of the manufacturer of this country could do a great deal more for the poorer classes than the widest efforts of the most diffusive charity, or the happiest results of the best-contrived Legislation. And so he said, not to consider that part of the question—to discard altogether the commercial view—would be a course quite unworthy of the dignity of the British House of Commons, and would lead to consequences which the very people intended most to be benefitted would necessarily be the first to rue. It would be admitted on all sides, that on the subject of labour there were two points which ought always to be kept in view. First, that a real and efficient protection should be afforded to those, who by reason of tender years, were unable to protect themselves, and the other great point was, to leave as free as the winds of heaven the labour of those who were able to protect themselves—to leave free to the management and economy of the parties interested, that labour which had been so often and so justly described in those debates as the only property they possessed. Now, if they did not intend to render all their statutes nugatory, and to make utterly useless all that they had hitherto done on this subject, they must have the cordial co-operation of those whose interests were so deeply staked in it, and to obtain that cordial co-operation, the most calm and dispassionate inquiry, the most grave and considerate legislation, would be necessary. He gave credit to the Government for having addressed themselves to the inquiry in this spirit; and they had laid a Bill upon the Table of the House, which gave increased protection to those who were unable to protect themselves, and which left free the labour of those who were well able to protect themselves, and to guard their own interests. But as these two classes worked together under the same roof, and in connection with the same machinery, it necessarily happened that these two objects, in all their integrity, were not compatible with each other; and that would therefore be the best arrangement which should be found to combine them in the happiest degree. The present Bill accordingly limited the labour of women and children—it afforded to them the opportunity of attending, to a small extent, at least, to their domestic duties — it secured to those of tender years something like an useful education—it afforded to those who most needed it some little leisure time—and, surely, these were advantages which entitled the Bill to the support of Parliament and of the country. If he were not to have the Bill as it stood, he should like at least to know what was the alternative. He should like to know what was the specific proposal of the noble Lord and those who voted with him. One hon. Member (Mr. M. Milnes) said, that he would speak with great caution on the subject of relays. How far he had kept his promise the Committee perhaps would judge, for he had expressed some opinions on that subject which, he confessed, he had never heard before. But this caution was the very thing he complained of on the part of those hon. Members. He wished to know whether those hon. Members wanted an uniform Ten Hours' Bill. He wished to know whether the noble Lord would admit relays? If he would admit the system of relays, he would tell him that he had no right to say that he had the support of the large body of the petitioners on this subject. He (Mr. Cardwell) knew that the petitioners who had signed the petitions to that House, and that the deputations which had been received by the noble Lord, wanted an uniform Ten Hours' Bill, and that if the noble Lord did not support such a measure, he was not entitled to claim the authority of their sanction. If the noble Lord did support such a measure, if he excluded the system of relays, then he said that he would leave the children working in factories worse—not only than they would be under the present Bill—but worse than they were at the present moment—worse than he had found them. He would be the last to attribute motives, and he firmly believed that those Gentlemen in the House who supported the motion of the noble Lord were influenced by motives of the purest sincerity and philanthropy. But all men were liable to be deceived, and he would suggest to the noble Lord it was just possible there might be designing persons in the world, eager to deceive him on this subject. He would seriously advise them to consider whether, under an uniform Ten Hours' Bill, the adults would not work less and the children more—whether more labour would not be extracted from the worn-out sinews of the children—and less obtained from the fair industry of the men. He said that this would be an evil, which, for the sake of morality and humanity alone, the Committee were bound to guard against. If the noble Lord did not support a uniform Ten Hours' Bill—then he could not claim the support of the petitioners. But, with or without relays, he believed that such a measure was not practicable. True humanity was practical, and he conscientiously and confidently stated that he believed the motion not to be consistent with true humanity. They had heard some strange doctrines on the subject of reduced wages. It was difficult to say whether the right hon. Gentleman (Mr. V. Smith) thought high or low wages the best. If he applied to the propositions of the hon. Gentlemen any of those ordinary principles of reasoning with which he was acquainted, he should arrive at the conclusion that low wages were a check on profligate expenditure, restrained imprudent marriages, acted as an encouragement to economy and the other moral and social virtues—and were, upon the whole, precisely that kind of blessing which that House, in its wisdom, should endeavour to secure to these operative classes, for whose welfare the hon. Gentleman was so particularly solicitous. But he had been surprised at what had fallen from the noble Lord the Member for Dorsetshire on the subject of reduced wages. The noble Lord had seemed to say that the amount of wages must decrease in exact arithmetical proportion to the hours of labour—and the right hon. Gentleman went still further, and expressed his surprise that any other calculation could have ever entered into the mind of mortal man. Why, what was the expense of those establishments? What capital was sunk in the great manufacturing concerns of this country? Were there not great and vast expenses besides the payment of wages? and there must be a profit to the manufacturer over all. He ventured at least to say for those with whom he was acquainted, that if there were to be no profit, they would retire, and the noble Lord must find a set of philanthropists who would undertake to carry on the manufactures and commerce of the country for nothing. He was afraid that no such men were to be found; and as it might be taken as a postulate on this question, that the manufacturer would have interest for his money, so, out of the margin which lay beyond the payment of the other necessary expenses, the wages must come, and the reduction of those wages must depend upon the profit of the manufacturer. The reduction of profit might perhaps be, as had been stated on the high authority of the right hon. Baronet, 25 per cent.; but whatever it was—whether more or less than that—it certainly could not be in proportion to the time of labour required of the workman. Whatever it might be, it would press upon the comforts of the working classes, and the House ought to hesitate before they sanctioned it. Another element which the right hon. Gentleman had forgotten was, that the machinery, if it did not wear out, became superannuated by the constant introduction of new inventions, and so there was a frequent call upon the manufacturers for a fresh capital. He would not further refer to this point; but his account of the manufacturer's expenses would have been very incomplete without an allusion to it. But it had been said that the labourer would get comforts in the lieu of wages, and the hon. Gentleman had spoken in poetical language of obtaining a full compensation for his diminished income by an additional hue of health. Now in the experience which his time of life had permitted him to acquire in the manufacturing districts, he had heard innumerable complaints of reduced wages. He had known what suffering had been caused by shortened hours of labour. He had heard often of a fair day's wages for a fair day's work; but he had never heard of a trades' union to enforce short hours on the masters, and an extensive combination to force the noble Lord's measure on Parliament would never be seen in this country. But if the operatives did not agree with the noble Lord on the subject of wages, and if there were many who favoured his present proposal, he could assure the Committee that they thought that this proposal could be carried out without any reduction of wages; and when he was told of the petitions in favour of it, he remembered the placards posted by torchlight on the walls of Manchester—"Less work. More wages. Sign for the ten hour Bill." If there was such a variety of opinions on the subjects of political economy in that House, it was no wonder that the operatives of the manufacturing districts fell into errors on such questions. They thought that the reduction of the time of labour would lessen the produce of the manufacturer, and, consequently, prevent the same amount of competition. But the exact opposite was always the result. It was a matter of history that interference with labour had always been followed by great improvements in machinery, and what was the invariable result of improvements in machinery? the exclusion of adults from the factory, and the increased demand for infant labour. But there was another thing. If they limited the hours of labour, then they must have increased establishments in order to produce the same amount,—they called into existence a new manufacturing population,—and on the first revulsion of trade a larger community was left to suffer and to starve. He was now arguing not upon principles of political economy, but upon those of the noble Lord—he was now pointing out the evils which followed from the increase of that canker which was said to eat to the core the social happiness of the working classes. But supposing the idea to be correct, and that home competition would be diminished, could they at the present day, under the present circumstances, safely venture to disregard competition from abroad. Take the case of Belgium.. Belgium had our machinery. It was no answer to say they got it under the measure of last year. They had it before. But it might be said that they had not capital. Only let them put restrictions enough upon the trade at home—and it would soon be seen whether capital would be deficient abroad. Belgium had coal; she had a population willing to work long hours—satisfied with a diet to which fortunately the people of England had never yet been reduced to submit—and could it be said that her competition was not to be dreaded! If they thought that their commerce was so secure that they could take liberties with it—if they thought that they were running a race, in which they could afford to carry weight—if they thought that foreigners were not watching them with the utmost jealousy, and availing themselves of their mistakes with the greatest promptitude—they made a mistake which experience would teach them to discover. He implored them to be wise in time. They were sowing the wind and they would reap the whirlwind. Under the semblance and in the guise of humanity, with the loudest applause of the best intentioned men,—disregarding the warnings of those to whom, by a rather broad implication, they denied those chivalrous sentiments of morality and humanity, which they assumed for themselves and their opponents willingly conceded them,—he greatly feared that they were striking a fatal blow at the commercial prosperity of England. And at what period? At a juncture in the history of British commerce, perhaps the most interesting which that eventful history had to tell. There was a circumstance in regard to Great Britain which was capable of being stated effectively in the shape of a paradox: and it was this: her commercial prosperity was owing to the fact that the master-manufacturers paid the lowest wages, while the operative received the highest wages of any country in the world. The explanation was obvious enough. The master paid the largest wages, but he obtained in a still greater proportion the best return of work. The operative received not merely the highest nominal wages,—but wages so much higher in amount as to command in this highly priced country the largest quantity of the necessaries of life. This end was brought about by the energy, management, and economy of the people of this country, and all was consistent with a gradual and regular amelioration, such as the Bill upon the Table offered to the infant manufacturing population. He firmly and conscientiously believed that if the Legislature pursued the sober and steady course upon which for some years it had been acting, the prosperity of Great Britain would be as unlimited abroad as it was happy in its results at home. The worst enemies of the country at large, but above all of the operative classes, were those whose mistaken zeal urged them to follow the blind impulses of humanity without carefully deliberating on the consequences. They were doing all they could to deprive the operative classes of what was of more consequence to them than the most extensive charity, than the anxious protection of the Legislature — he meant commercial prosperity.

Mr. *Brotherton* said, that this question had agitated the country for twenty-eight years, and it was time that it should be settled. He remembered when cotton machinery was worked by hand, and when it was not usual to work more than ten hours a day. But when the steam engine was introduced, the hours of labour were gradually increased. In 1802, Sir R. Peel had introduced a Bill for regulating the employment of apprentices. Since that time four Acts had been passed, all of which had been, in a great degree inefficient and unsatisfactory. In 1815 another Measure had been brought forward limiting the labour of those under eighteen years to ten hours and a half. A Committee had then been appointed to investigate the subject, and he, entertaining the same opinion then as he did now, had furnished the late Mr. Nathaniel Gould with facts which were recorded by that Committee. He could have no desire that the manufacturing interest should suffer, because many of his friends were connected with it; he might be mistaken in his views, but he hoped the House would allow him shortly to state his reasons for them. He did not look at it merely as a question of humanity, but also as a question of policy, and on both grounds he was prepared to justify the vote he had given a few nights ago, and which he intended to repeat. He was not of opinion that the House was called upon to depart from the principles on which it had legislated; for what was the practice of the trade before Parliament began to legislate on the subject? In 1819 Lord Kenyon stated in the House of Lords that more than three-fourths of the factories in Lancashire worked fourteen hours a-day. It had been contended that if the demand for employment were perfectly free, there would be no occasion to legislate. He was not of that opinion. In 1835, 1836, and 1837, when trade was brisk, more than 2,000 convictions under the Factory Bill, and penalties to the extent of more than 6,000*l.* were inflicted for overworking. At present in certain mills they were working fourteen or fifteen hours a day—females and married women were employed to that excess. He begged to remind those who were opposed to legislative interference, that from the highest authority a restriction had been put upon labour—"Six days shalt thou labour," and rest on the seventh day. That was a direct contradiction to the political economy of non-interference with labour. Those who contended for non-interference must go the length of saying that if we could not compete with foreigners by working for ten or twelve hours the time must be extended, and that if six days were not sufficient, toil must be continued on the seventh. The question was, were ten hours in the day sufficient? He thought it amply sufficient for man, woman, or child. He was ready to admit that factory labour was not unhealthy; on the contrary, when it was not excessive, he believed that it was as healthy and pleasant an employment as any in which persons could well be engaged. Although he had taken part in promoting every Measure of the kind hitherto passed, he had never been able to obtain due protection for women and children; how could domestic comfort exist, or education proceed, while the people were doomed to endless toil! If they kept moderate time they had nothing to fear from competition. He admitted, that if they did restrict the hours of labour to a great extent, it must, necessarily, increase the cost of the article, but then the question was who was to bear the increased cost? He had seen a calculation made at a particular mill, of the amount which would be lost to the consumer by a reduction of the hours of labour. He admitted that there would be an increase in the cost of the article, but it was necessary for hon. Gentlemen to see the way in which this would operate. Let him take the case of the purchase of foreign materials of an article to be manufactured—cotton for instance—which on exportation had to enter into competition with the produce of foreign countries, the difference between the price of the raw material, and of the manufactured article, would be the return for labour, interest of capital, and profit. Therefore, to compete with the foreigner they might have to make an improvement in their machinery, and in that case the production might not be reduced. They had reduced the number of working hours from seventy-sic to sixty-nine without decreasing the amount exported. In 1816 there were 10,000,000 lbs. of cotton twist exported; and in 1843, after the reduction in the number of hours, there were 130,000,000 lbs. In 1832, in factories where thousands of persons were employed, the average rate of wages for every person—man, woman, and child—was from 9*s.* 6*d.* to 12*s.* a head. He had got a return from the same factories of the number employed in 1844, and he found that the average rate of wages was nearly the same—perhaps it was a little more than the rate of 1832. The work and the wages, too, of the factory workmen were more regular than were those of any other class of labour; and if there was any loss of profit, it was a loss which fell upon the master and not upon the operative. It was not so with many other kinds of labour. With respect, for instance, to the handloom weavers; they were a class whose occupation was not carried on in factories, and one man ran down another and decreased the amount of wages; but the same was not the case in factories, where the wages of all employed must rise and fall together, and the result was, that there was very little fluctuation in the amount of wages of the operatives. In his opinion, there ought to be one uniform time for the work of all engaged in factories where machinery was used—and he was, for his own part, persuaded that that course alone would really operate for the benefit of the workmen; for if one portion of the mills were to work short time, and the other portion to work for a different period, it would be productive of great mischief. He did trust that no person under twenty-one years of age would be allowed to work for a greater number of hours than that named in the noble Lord's Amendment. The calculation to which he had referred just now was, that the duty on the raw material of cotton was equivalent to the amount of any reduction of wages that might take place, and that six-sixteenths of a penny per pound would cover such reduction as might take place in wages by the operation of a ten hours instead of a twelve hours' Bill. But he did not believe that, in reality, wages would be reduced—and, even if they were, let it not be forgotten that the operatives worked for the bread-tax—and if they could not compete with the foreigner without that tax being taken off, as well as the tax upon cotton, those taxes must be removed. He thought that the Legislature would feel it was their duty to remove those burthens that pressed upon the manufacturing interests; and then, if they would only come forward and pass an uniform and effective Bill, he was persuaded it would give the greatest satisfaction to the manufacturing classes generally, and that the people would be prosperous, contented, and happy. He should, with these observations, vote for the Amendment of the noble Lord

Lord *J. Manners* assured the Committee that it had been his intention to have given a silent, though by no means an indifferent vote in favour of the Amendment of the noble Lord; but in the early part of this debate the hon. Member for Manchester had thrown out such a challenge to him that he felt himself bound, in fair play and generosity, to rise and answer that challenge; and he begged to assure the hon. Member that if he had hitherto refrained from giving the House what he was pleased to call the benefit of his experience and observation upon this question, it was because he had not thought that anything he could add to the subject would be worthy of being intruded upon their attention, and that in private he had never hesitated to give that fair description of the great manufactories which he was now prepared to give in public. The hon. Member had asked him, and those hon. Gentlemen who had accompanied him on the tour he had made in the manufacturing districts, if they had seen, in the course of it, what would bear out the harrowing descriptions and details which had been brought before the House by the noble Lord the Member for Dorsetshire. He had pleasure in saying that they had not. But, if he might be permitted to draw a general description of what they did see, he should say that the general characteristic of the districts they had visited was a small town (if he might so term it) of well-built cottages, those cottages of two stories in height, with two rooms on each story, with large windows, plenty of furniture, capacious back-yards, and a plentiful supply of coals and water—their occupants paying, on an average, 3*s.* a-week for rent, which in general, he believed, was stopped out of their wages. They saw signs of much discipline and supervision exercised over the occupants, every shop being licensed by the mill-owner, and every one being dependant upon him for the exercise of his calling. With respect to the workpeople themselves, he agreed with what had been stated by the noble Lord the Member for Lancashire (Lord F. Egerton) the other evening, as to the impossibility of mere tourists arriving at any very sound conclusion upon that part of the subject—because it was unquestionable that an appearance of health might exist without the reality of it—and ruddy cheeks might be the result of excitement, as well as of health. With this caution, however, he had no hesitation in saying that the general appearance of the young women in the manufacturing districts he had visited in the course of his tour, had struck him as being healthy. He believed, too, that, in reference to wages, the amount was nearly uniform, and that it averaged about 9*s.* or 10*s.* a head, man, woman, and child—and that thus, taking them by families, 30*s.* a-week was about the average receipt of the combined inmates of each of these cottages, an amount sufficiently ample to secure them the comforts and conveniences they require. He had come to the conclusion that these comforts and conveniences were at the disposal of the manufacturing population of the large establishments. He would now proceed to answer a question which the hon. Member had put to him of a more particular kind. The hon. Member had asked him whether he had had any talk with any of those workpeople who had gone from the rural into the manufacturing districts. He found, in a brief note he had taken at the time, the following memorandum:—In one cottage they had entered, they found a woman with ten children where she came, and having asked her whether she would prefer to go back into the country districts, she laughed at the idea, and said, "No, not on any account." This woman they had found, he ought to add, cooking for herself and family a meal of beef and potatoes. He had now, he thought, fairly replied to the challenge which had been thrown out to him by the hon. Member—and he had done so with the more pleasure because it had enabled him, at the same time, to pay a deserved tribute of praise to the conduct of the large and wealthy manufacturers whom they had visited—and of offering a few observations in support of the proposal of the noble Lord the Member for Dorsetshire—against which proposal he did not think that the tribute he had paid to the manufacturers at all militated. For what was that proposal, and what the allegation? The proposal was, to limit labour to ten hours a day, and the allegation, that the consequence of working the mothers of families for twelve hours a day was that inversion of nature which was so injurious to the physical and moral condition of the working population. He believed that the statements of the noble Lord were correct—and that the instances which he (Lord J. Manners) had produced, which seemed to bear out a contrary proposition, were chiefly to be met with in the larger country establishments—whereas the noble Lord's descriptions related principally to the condition of the factory population in the great manufacturing towns—he was sure that he himself and those who had travelled with him, had seen side by side with the prosperity of Turton enough of the misery of Bolton, to make him believe that the same county may easily at the same time, "bloom a garden and a grave." Let the question, then, be divested of all extraneous matter, and what did it come to? Were the Representatives of the people of England of opinion that twelve hours, instead of ten, were a fitting duration for the day's labour of English matrons and young children? But was the question, and the solution of it seemed to him easy; but then came the hon. Members for Manchester, Stockport, and the rest, and pleaded two propositions in bar; first, that the commerce and manufactures of this great Empire would be destroyed, unless these mothers and children were allowed to work twelve hours a day; and, in the next place, that the wages of the work-people would be reduced. But with something like indignation, and with something like contempt, he begged to ask, was this possible? That the commerce of this great Kingdom was dependent on longer toil by two hours than it was fitting for man to endure! Yes! that will be the confession made by the rejection of the noble Lord's proposal? It was saying to this country—it was affirming in the face of all Europe—that the whole secret of our vast manufacturing power lay in the one hour before sunrise, and in the one hour after sunset, which we snatched from the poor people of England. And this too, after all they had heard of the iniquity of protection! This, then, was the protection they would declare to be necessary for their manufacturing interests? He should rather have imagined that the protection of their manufactures existed in the exemption of machinery from taxation. He should have rather imagined that it existed in the power of a manufacturer to assemble round his dwelling any number of people he pleased, to make addition to his wealth by means of that machinery, if trade were brisk; and who, if trade were dull, would have no claim upon that wealth which they contributed to swell. He should have imagined it to consist in the fact of the very rooms in which that machinery worked, and of that machinery itself, paying nothing to the relief of the poor, or towards the burthens of the State—but now it seemed that the only species of protection which was looked upon as essential, consisted in the over-working of mothers and infant children. He did not believe—he could not believe it; but if it were indeed so, then he must state his sincere conviction, that be their legislation what it might, though they might continue for a short time, a protection of this wholly indefensible nature, they might depend upon it they would not be able to maintain it long. Neither did he think that such a protection would be worth maintaining. Again, as to the allegation about the effect of this proposed reduction of the hours of labour upon wages. They were told that it would create a reduction in wages to the extent of 25 per cent. But he would remark, that if this allegation were true, on the face of it, it would completely annihilate the other, for not even the most devoted free trader would be prepared to assert, that with a reduction of 25 per cent. in the wages, competition with the foreigner is impossible under a ten hours' Bill. His opponents then must make choice of the one bugbear, or the other, for employed together they would eliminate each other. But he had too high an opinion of the humanity of our great English manufacturers to believe that such would be the case. He could not help feeling that on the contrary, there would be no necessity for such a result—and he would ask the right hon. Gentleman opposite to put to himself this question—whether he really believed that the three or four hundred master manufacturers who had signed petitions in favour of the proposal of the noble Lord below him contemplated any such reduction in the amount of the operatives wages, or whether the hon. Members for Stockport, Manchester, or Durham themselves contemplated any such result? He could not believe that those who had expressed themselves in favour of this proposal had done so with the idea that it would produce the fearful results that had been predicted of its operation. He believed, on the contrary, that the Committee might justly and wisely, because humanely, accede to the proposition of the noble Lord. To that proposal he (Lord J. Manners) gave his cordial and unqualified support—with no lingering regret, however, as some appeared to have done, that it infringed upon the principle of non-interference with the free exercise of labour, but because he believed that the great inquest of the nation was called upon to legislate on this question—and because, if they did not legislate upon it, and in this spirit, the hour was near at hand when they would cease to be, not only in deed and reality, but in very name and theory the representatives of the people of England. On these grounds it was that he had voted on a former night; on these grounds he should so vote again; and he must be allowed to ask whether the decision that was come to the other night did necessitate some far stronger reasons than were then offered to the Committee, before it should now reject the noble Lord's proposal? Sir, said the noble Lord, in conclusion, there may have been, in the opinion of some, a doubt as to the prudence of the decision of a former night. Can there now be any doubt as to the madness of reversing it? By that decision you told the toiling people of England that party difference or indifference to this question was at an end, and that the Legislature was prepared to interfere in behalf of labour—to interfere for the shirt maker of London—for the poor workman of the metropolis, and in behalf of want and poverty wherever they are to be found throughout the broad Kingdom of England, as well as in favour of the operative spinners of cotton and of flax. By that decision, you caused joy and smiles to prevail where, before, was nothing but despair —and yet that decision you now propose to reverse. You then held out to the parched lips of toil and neglect the cup of hope—will you now dash it to the ground untasted? I would entreat this House, I would implore this Committee, to reflect for a moment on what has occurred during the last three years. Have you learnt nothing from the manufacturing insurrection in the north—have you learnt nothing from the agrarian rebellion in Wales—nothing from the indifference with which your labourers in Cambridgeshire and elsewhere regard your flaming homesteads, and fired corn-ricks? Do all these things teach you nothing? Methinks, when the storm does arise, and the waves of anarchy begin to break upon the barriers of the Constitution, and when all you hold dear and value shall be swept away in the general desolation a poor consolation it will be to you to reflect that such a melancholy result has arisen from your refusal to interfere in behalf of the over-worked labourer who toils beyond human endurance at the manufactures of England, albeit that refusal may be in accordance with the straitest canons of political economy.

Mr. *Ward* said, they had been told by the noble Lord that, although they might doubt the prudence of the decision to which the House had come the other night, there could be no doubt of the madness of reversing it; but did the noble Lord recollect the interests which this decision involved, and if they tampered with these interests, without the most pressing necessity,—if they dealt with them without seeing their way clearly, could any madness be equal to that? He had doubted whether he ought to reply to the noble Lord, for the first half of the noble Lord's facts bore against his own conclusion. The results of the noble Lord's experience were most favourable to the manufacturing system, and disproved the universal misery which it was charged with producing. The noble Lord said that the population lived in good houses, and had comforts which were out of the reach of the agricultural labourer. That they were all in full health, and that their wages were uniformly on an average of 9*s*. or 10*s*. a-head, and this in those places which the hon. Member for Knaresborough was in the habit of representing as a Pandemonium to which labourers were removed from their Buckinghamshire Paradise. The wife of one of these agricultural emigrants was cooking beef for the children, which the agricultural labourers never tasted in Buckinghamshire. The noble Lord, however, had suppressed an answer which, as he understood, he had received from another of these misguided, and deceived, emigrants from the agricultural districts, who told him that "he would rather be transported than go back." In short, if he had not heard the speech of his right hon. Friend the Member for Northampton, which certainly had shown them how much inconsistency could be compressed into a single speech; he should have thought the noble Lord's speech the most inconsistent speech ever delivered, for after disproving all the facts on which the necessity for interfering at all with the Factory System was defended, he came to what he called a just and humane conclusion, which struck at the root of the whole of the comfort and happiness the noble Lord had himself described. Amidst the differences which this question had created—and he had never known a question in that House which had provoked so many differences—it might, perhaps, be something new if he ventured to mention one or two points on which they were all agreed. They were all agreed that there was a great pressure upon the labouring population—not confined to one class of manufactures, he could show its existence to a great extent in the town which he represented—that all were over-worked; and that the stern necessity of living induced this condition of the people, compelling the children almost universally to be called to labour too early, and forced to labour too long a time; so that there was not time for education, for wholesome recreation, or for religious and moral instruction. They did not want Dr. Bissett Hawkins to tell them that it would be better for children, or that it would be better for all classes, to work ten hours instead of twelve. They did not want Mr. Horner to tell them that all classes of the population were overwrought. There was no doubt of this. They did not want to be told that they were not free agents. Who was a free agent?—or that their social and moral condition would be better if they laboured only ten hours;—or that excessive labour tended to debase human nature, and to prevent acquirements. He admitted the evil as fully as any advocate of a ten hours Bill; and sitting there as the Representative of one of the largest working men's communities, he would not consent to be twitted with any heartlessness, or indifference, to their sufferings because he did not concur in the remedy proposed. He, and those who thought with him, were called Doctrinaires, Utilitarians, and Theorists, but he held on the contrary that they were the Theorists who thought they could alter by Act of Parliament the conditions of life which pressed hardly, and harshly, on the population of this country. The noble Lord the Member for Dorsetshire told them that he had urged this measure in former years; that the present expectations in the operatives were moderate; that they were prepared to expect a fall in their wages; and the hon. Member for Northampton said, that small wages would be a premium upon the morality of the working classes. He gave them the statistics of the poor—he spoke of the way in which a married woman, and a single woman, conceived that the cost of their living would be affected respectively by the changes to be introduced. But he (Mr. Ward) feared that little faith was to be placed in such calculations. He regarded the decision of Monday night as a most unfortunate one: it had awakened and given an impulse to wishes, and feelings, and hopes, that no reasonable man should ever encourage. It had given an immense impulse to the Chartist feeling of the country, associated as it was—and nobody knew it better than the hon. Member for Knaresborough—with the idea of the power of that House to regulate labour and capital; and which he (Mr. Ward) believed to be most mischievous. He had seen all the theories, which he had heard in the course of this debate, advocated strongly by Mr. Feargus O'Connor and Mr. Oastler; and he must tell his noble Friends near him, the Members for the City of London, and for Sunderland, that nothing had given him so much grief as to see such fallacious doctrines clothed with the authority of their respected names. He was bound to say what he thought. The noble Lord, the Member for Sunderland, whose opinions he had hitherto held to be most clear on these points, had certainly advocated doctrines which he had never heard advocated before by men, whose opinions he for one had regarded as too ridiculous to be seriously discussed. Look too at the contradictions in which the advocates of the present measures had involved themselves. His hon. Friend the Member for Northampton told them that ten hours were better than twelve—that the present system was prejudicial to morals, and religion, and education; but he began his speech by saying that he was opposed to all interference with any kind of labour—with adult labour in particular; and then he concluded by saying, he was going to vote for the proposition of the noble Lord the Member for Dorsetshire. He seemed to think it a matter of trifling consideration, when he asked him how the population in the manufacturing districts was to be fed? He said, no man could actually starve, and appealed to the right hon. Baronet the Secretary for the Home Department to confirm his statement. Improved health and moral vigour, he thought, preferable to high wages; and these blessings he seriously preferred to the operatives in the factory districts, than to sink, in what the hon. Member for Knaresborough would call the Union Bastiles. If this were not his hon. Friend's meaning, he supposed they were to go back to the system of out of door relief. His hon. Friend afterwards said he wished every man to earn as good wages as he could, and he thought that a slight curtailment of the hours of labour would not materially affect the wages of the manufacturing population as a class. Upon that question—the question of wages—he must entreat the Committee to recollect what it was they had to deal with—to recollect that the home trade of this country, upon which he knew some hon. Gentlemen opposite relied, would be totally insufficient to supply the gap, that would be created by the slightest Legislative Act that would affect our foreign trade. They had been told by the right hon. Baronet at the head of the Government that out of the export trade of 50,000,000*l.*, 36,000,000*l.* belonged to these trades, which it was now proposed to interfere with. If they tampered with, if they added to these vast interests the proposed reduction in the hours of labour, to the burthens which already pressed upon the manufacturing interest—such as the duties on the raw material—the absolute monopoly which existed in this country on food—and he only rated it at the price of the agriculturists themselves—he would say, if to this they added the additional burthen of this ten hours Bill, a gap would be created which no new manufacturers would step forward to fill up. Once cut off an amount of production equivalent to seven weeks in the year, and how did they think it was to be filled up? It was said there would be fresh labourers employed under this ten hours Bill. He doubted that fact; he doubted whether any one would be found to build new mills upon so precarious a tenure; for they must recollect that they were told that this ten hours Bill was but the first step in this kind of legislation. The noble Lord who had just spoken had said, that when they had dealt with the factories by limiting labour, they must legislate for other classes in a similar spirit. They must be prepared to take up the trades of London, in which female industry was so fearfully overtaxed, the iron trade, and many other branches of manufacture. He could point out towns engaged in the iron manufacture which left the alleged immorality of the cotton mills far behind. If they held, that the working classes would be as well off, and would receive the same amount of wages when the hours of labour were reduced, the argument amounted to this, that they might reduce them not only from twelve or fourteen, as at present, to ten or eight, but even to one hour daily. There was evidence in abundance, to prove that within three months of the passing of this Bill, the workmen expected to get the same amount for ten hours that they now got for twelve hours. This was the operative theory upon the subject. They thought that if they produced *less*, there would be increased competition on what they *did* produce, and that the manufacturer getting a higher price for a smaller quantity of goods, would be able to give higher wages to his men. They said that this would be an advantage to the community at large, for that if the same demand for goods continued as existed then, it would call more labour into employment; and if, with labour restricted to ten hours, full employment was not given, the period might be reduced to eight, as it was better that all should work for eight hours than that some should not be able to work at all. But who would invest their capital in new mills upon such terms? No one: and then our foreign competitors would step in to fill up the gap which we had ourselves created. The hon. Member for Ashton (Mr. Hindley) thought, that as we had taught the world to overwork itself, we ought to set the generous example of showing them that they ought to restrict the hours of labour; but he (Mr. Ward) feared that the Universal Peace Society, of which the hon. Member was also President, would prove quite as feasible a scheme, as the attempt to persuade Foreigners not to take advantage of every restriction in British industry. And what would be the consequence if they did? He recollected, in a work attributed to the right hon. Gentleman opposite, the President of the Board of Trade, a year or two ago, that the depression, and the misery which this country was enduring in the midst of high civilization, and universal peace, were traced to a diminution in our foreign exports, amounting to not more than one-fifteenth as compared with 1841. The writer said it was the paralysis of our foreign trade that was the cause of the paralysis at home, with all its fearful accompaniments, and yet the decrease was only one-fifteenth. He had no wish to trespass at any length upon the House, and his only apology for the time he had occupied was the strong sentiments which he entertained as to the importance of the question under discussion. He would admit, that to reverse the decision which they had came to the other night would have its disadvantages; but he trusted that if the House of Commons saw that it must prove most perilous to the manufacturing population, it would not shrink from doing what he believed to be its bounden duty to all. The theories which were now afloat, and which were encouraged by the highest sanction of the press, coupled with this unfortunate vote — for so he regarded it — were calculated to reverse all ideas of the proper relation between labour, and capital in this country, and to give an impression of the powers of that House which no act of that House could ever realise. He found the Government accused by those journals which usually supported it, of bringing the Queen's name into contempt by standing between Her Majesty and the boon, which she would so willingly grant to the women, and children in the manufacturing districts by reducing to a reasonable standard the daily labour of her sex and their offspring. Was there a man who believed that the Queen could do this? Was there a man, who believed but that there was a necessity that overruled them, and prevented them from doing it? If the noble Lord in his present view was right, and the Member for London had continued ten years in power, without diminishing the hours of labour, he was responsible for all that the women and children of this country had endured since he first came into office. If he (Mr. Ward) thought that the period of labour could be reduced without an injury to our trade, and a diminution of wages, he would at once not only support a ten hours' Bill, but, as an amends for past neglect, he would go to an eight, or a six hours' Bill at once, and give the people the means of earning their livelihood upon easier terms than their boldest advocates now proposed. But they must not stop there. They must not confine the boon to the Factory Districts. What did they mean to do with the agricultural population? He knew something of them—he had seen the wretched shifts to which their miserable families were reduced—he had seen their joy when the sun shone on a winter's day because they could not afford fire—for they seldom saw fires in the cottages of the central districts of the kingdom. Could they leave these poor creatures, who were living on the smallest pittance, in their present state? Yes, the noble Lord would say, because they did not pretend to interfere with wages. But they would be, in fact, doing so, if they imagined that they could reduce the hours of labour without decreasing wages. What was it that drove men to the necessity of overworking themselves and their children? The struggle for bread. Could they find no means of relieving their destitution? He thought he could, but the supporters of the Corn Law could not; and yet the noble Lord taunted him with inhumanity—not personally, because he could not speak unkindly to any one—but he assumed a sort of superior humanity in that House, which he would venture to say many of his countrymen would regard as extremely suspicious, so long as they saw him voting for a measure, which had a direct tendency to increase the price of their food. They must not mince these matters—they must not let one side of the House have more claims to humanity than the other. He believed he could show the noble Lord more suffering amongst the working classes, arising from the Corn Laws, which, as he had said before, raised up, as it were, a wall of brass between the people of the town he represented (Sheffield) and their food; more misery, he repeated, could be shown as resulting from this, than from any other cause. He did not accuse the noble Lord and hon. Members opposite of inhumanity, but he would not be taunted with heartless indifference towards those whom he represented. The right hon. Baronet opposite had gratified him by admitting that in principle the restriction of adult female labour was indefensible. One of the greatest exaggerations which the noble Lord had committed, was contained in his statement with refer-ence to the employment of married females. If anything was susceptible of proof it was that the number of married women employed in factories was very small. In Mr. Ashworth's mills it was proved that there was only one in 800. He had now stated his opinions. It was the interest of the working classes to which he was looking in the vote that he should give, for the capitalist would take care of himself; but so strongly was he convinced, that in the course which he was taking, he should but serve the real interests of them whom he represented, that he would not mind vacating his seat next week, confident that he should convince his constituents that he had consulted their interests by opposing any Legislative interference with their free arguing as working men.

Sir *R. Inglis* said Her Majesty's Ministers had proposed a Bill which, right or wrong, was regarded as right by almost all their opponents, and which was regarded as wrong by almost all their supporters. The most experienced Member of the House of Commons could hardly recollect such a discussion as the present, in which Her Majesty's Ministers found themselves in opposition to about 97 out of those who on almost every other occasion gave them their unhesitating confidence; and, with the exception of the hon. Member for Clitheroe, almost every Member who had risen behind the Ministerial benches had uttered strong denunciations against them, whilst on the other side three hon. Gentlemen had risen together to the rescue. He alluded to the hon. Member for Sheffield, the hon. Member for King's County, and another hon. Gentleman, all of whom rose at the same time as he believed to support Her Majesty's Ministers. He certainly was correct in his opinion as to the hon. Member for Sheffield, and he believed he was not wrong with respect to the other hon. Members. The proposition which the Committee were called upon to affirm was substantially this;—Whether they would rescind a solemn decision which had already been come to; not suddenly, but after an adjourned debate; to which a larger majority gave their support than the late Government had during the last year of its existence—a decision which Her Majesty's Ministers thought proper to assist an hon. Member opposite in endeavouring to contravene. He believed that according to the ordinary practice of the House the decision on the word "six" in one line of a Clause would be considered as binding for the rest of the Clause, and when he remembered that a second division took place after about thirty members had retired, he could not but complain on the part of the independent Members that an attempt was made to stultify the previous decision. It was true that in the case of the malt tax a preceding Government pursued a similar course. They thought it desirable that an impost, amounting to 5,000,000*l*., which was essential to the maintenance of the public credit, should not be sacrificed without any previous consideration. Lord Althorp complained that the House had been taken by surprise, and proposed to rescind the resolution; but he warned the right hon. Baronet now at the head of Her Majesty's Government to beware of following such an example. The question now was not whether the poor should have a pot of porter the fractional part of a halfpenny cheaper, but whether the House had not encouraged hundreds of thousands to expect a certain remission of their labour under the authority of a formal decision of the House; and he would ask whether it would be safe, whether it would be consistent, he might almost ask, whether it would be decent, to dash the cup of hope from their lips? He had this morning received, along with the other Members who supported the proposition of the noble Lord the other night, addresses from the workpeople of Leeds, Bradford, Keighley, Huddersfield, Dewsbury, Ashton, Bolton, Manchester, and some other places, thanking the House for the vote to which it had come on Monday night last; and he could not read some of those addresses without feeling a deep sympathy with those whose hopes would be so fearfully disappointed if the Government should succeed in carrying their proposition. The people of Leeds said they gave their joyous and hearty thanks to the 179 Members of the House of Commons, and above all, to his noble Friend, Lord Ashley, for the part he had taken: he felt it an honour to call the noble Lord his friend. He had listened with deep attention to the statistics with which he had commenced the present discussion. He believed the triumph of last Monday had fixed the fate of the Bill, and he would tell his right hon. Friend at the head of the Government, who had led the House for the last two years and a half, that, whoever might fill that post, whether his right hon. Friend, or the noble Lord the Member for the City of London, or his noble Friend the Member for Dorsetshire, that the Bill was virtually carried. His right hon. Friend might postpone its operation by rescinding the previous vote, but he, looking at the appearance of the Committee, trusted that his right hon. Friend would be disappointed in the attempt. Whether successful or defeated let not the Government deceive themselves with the expectation that they must ultimately triumph, when there was such a manifestation of public opinion and public principle arrayed against them. On the last occasion when they were engaged in a conflict with their own supporters,—it was on the Ecclesiastical Courts Bill of last session—he then told them respectfully, but firmly, that they would be compelled to relinquish that Bill, and urged them not to endeavour to drag their supporters through the dirt, inasmuch as a portion of that dirt must stick to themselves. He would tell them now most respectfully, but with a deep conviction on his part, that although their opposition to the measure of his noble Friend might meet with a temporary success, yet in the course of another year or two they would be compelled either to come forward as they had done in the case of the Ecclesiastical Courts, with a Bill totally different from the former one, or with a Bill embodying nearly all the propositions which his noble Friend had endeavoured in vain to recommend to their notice. Adopt them they must, but in the meantime they would lose all the grace of concession, and expose their fellow subjects to the bitter disappointment of seeing their hope suspended for one or two years more. Let them recollect that they were dealing with the bodies and the souls of their fellow-men; because, one of the consequences of the present state of things was, that no time was allowed for education, and that their Sundays were necessarily devoted to repose only, after the severe labours of the week. He had listened attentively to the speeches of the right hon. Baronet at the head of Her Majesty's Government and the hon. and learned Member for Clitheroe, but did not find anything in them that did not apply, at least, as strongly to the existing law. The hon. Member for Sheffield would not interfere with labour at all. The noble Lord, the Member for Dorsetshire interfered with labour, but on principle. The question, however, as to principle, was really carried, and it only remained to be seen whether it would be reduced to practice in 1844 or 1846. Such was the modification proposed by his noble Friend of his original proposition, that if there were a fallacy in his principle, or an error in his conclusions, the power of correcting either remained in their hands, as the measure would not take effect until the 10th of October, 1844, when the hours of labour would be limited to eleven; and the minimum would not be attained until the 10th of October, 1846. During that period, if the House discovered they had committed, through their humanity or excursive benevolence, any such error in their political economy as would require them again to interfere, for the sake of their pounds, shillings, and pence, they would have still the power of retracing their steps and removing the evil. He was convinced that there was no danger by a diminution of wages when it was accompanied by an increase of the physical comforts of the people, wages might be less on any given day, yet more, taking the year together, by being equally distributed, instead of there being occasionally great want of employment. He might take higher ground in support of his view, but he did not think it necessary to do so, inasmuch as he thought he had made out his case, and that the labourers in cotton factories would derive more advantage from the dimunition of labour proposed than they would from the two hours extra pay. It was admitted on all hands that the last two hours' labour was the least profitable to the master, and the factory statistics proved that it was within the last two hours that accidents to the children most frequently happened. On that account alone he considered the limitation proposed by his noble Friend desirable, because it seemed clear, if the hours of labour were diminished the repetition of these frightful calamities, which caused often the loss of valuable life, and more frequently a race of deformed beings, would be prevented. Those who supported the proposition of his noble Friend were taunted, and on high authority, with the sufferings of the agricultural population, and it was even said, that women were to be found, during the inclement season of winter, labouring in the fields for six or seven hours a day, without the power of obtaining in the wettest weather a change of clothes. He certainly was not aware of this, and he would ask any one, in or out of the House, to point out, if they could, in what county of England women were to be found during the winter labouring in the fields for six or seven hours a day. Without regarding the thing as impossible, he had never heard of it. But whether the sufferings of the agricultural population were great or small, this at least he could say, that they had not the same means of obtaining redress for those sufferings as the labourers employed in the factories. It was in the power of that House to stop the great machines by which the operations of the factories were carried on, and if they exercised that power, they could, of course, regulate the labour of those by whom the operations of these great machines were conducted. The House, therefore, had a power in this case, which they had not in reference to the agricultural labourers of either Dorsetshire or Bedfordshire, and one result of exercising the power they possessed was, that in the ratio they diminished labour they would increase the time for acquiring moral and religious instruction. There was no legislation applicable to the agricultural labourers; but it was different in the case of factory labourers. Having on a former occasion stated his general notions on this subject to the House, he would say no more at present than to thank the House for the patience with which they had heard him.

Mr. *C. Buller* said that Her Majesty's Government intended that night, as they understood from the statement made on a former evening, to resort to the extreme step, on the eighth Clause, of making absolute nonsense of the Bill, by endeavouring to induce the House to nullify the decision which they came to the other night. He thought that they had a right to expect that the Government would at least have laid some ground for such a course by adducing such fresh arguments and information as might justify a change of opinion and vote. To his surprise, however, no Member of the Government had risen to advance a single argument in favour of the extraordinary and violent course proposed by it: and in coming to the discussion of the present evening, he found that he had to grapple with no single supporter from the other side of the course taken by the Government, except the hon. and learned Member for Clitheroe. He admitted that this was no easy task, after the able speech which they had heard, and the force with which the hon. Member had put forward his views. He was sure that he could not pay that hon. Gentleman a more effective compliment than by confessing that he had been betrayed into cheering the very arguments used by that hon. Gentleman in arguing against the opinion which he had felt himself called upon to adopt. His hon. Friend, the Member for Sheffield, had taken the same side, in a speech, which he must take the liberty of describing as not being quite so remarkable for the strength of argument, as for the strength of the language which he chose to apply to all those who differed from the opinion which his hon. Friend had adopted. His hon. Friend appeared exceedingly hurt, as well he might be, at the notion that he and the other supporters of the Government plan should be thought less humane and considerate than the supporters of the noble Lord's Amendment; and very sensitive as to any language that tended to countenance such a supposition. He certainly did not believe that his hon. Friend, or those with whom he voted, cared less for the interests of humanity and justice, than the supporters of the Amendment; but when he gave his hon. Friend credit for the utmost humanity in his vote for twelve hours, he thought he might fairly ask him to give those who ventured to hold a different opinion credit for some little share of common sense. He felt, however, that the vote which he had given the other night was one which required explanation. He would at once admit that the vote which had been come to by the majority the other night was fraught with most important consequences. It must produce great effects, for good or evil, on the condition of a great mass of the people. If the majority were wrong, undoubtedly its vote would interfere most seriously with the great staple industry of the country, with our main foreign export, with the employment of capital, and with the subsistence of a large portion of the population. But if, on the other hand, the majority was, as he believed it to be, right, then it might take credit to itself for effectually grappling with a mischief of the most pernicious character, a mischie which if not grappled with, and the Government would not grapple with it, threatened to be productive of very dangerous consequences. If the view of the majority was sound and wise, it would be the first great step in a bold and new course of legislation, adopted with a view of alleviating great moral and physical suffering, and of averting national dangers which their old principles of legislation were not calculated to deal with, but which, if not dealt with, must peril the peace, institutions, morality, and greatness of the country. When he voted with the noble Lord, he deliberately adopted a new and bold principle of legislation. He exposed himself to the charge which was thrown out against all who voted with the majority, that they were voting against all principle; for he voted, he was quite aware, against the principle on which legislation on these matters had hitherto been conducted; a legislation which, while it contented itself with protecting the property of the rich, shrunk from giving its protection to the poor, left the helpless to take care of themselves, and paid no attention to the revolutions which the progress of time brings about in the social condition of nations. New evils require new remedies. A new social state, such as that of England had become in the present century, required new principles of legislation. Could it be said that this was a view of the matter in which no thinking man concurred with him? He would venture to say that no unprejudiced man who looked at the alteration which had been operated, in the course of the last century, in the social condition of the people of this country, could contemplate that alteration without feelings of apprehension. A hundred years ago the great mass of the working people of this country were agricultural, with little community of interest, scattered over the country, without any means of intercommunication, without intelligence, without any idea or capacity of acting in concert, without any power of combination, and entirely influenced by institutions, feelings, and habits which taught them implicitly to act under the guidance of those to whom they had been accustomed to look up with hereditary awe, and, he might add, with hereditary attachment. At that period the population of the towns was limited, and the manufacturing portion were principally skilled artizans, who got high wages, were possessed of great intelligence, and were well able to protect themselves. What was the case now? Millions, he might say, of men had collected together for the first time, in certain limited spaces; millions, not skilled artizans, but men carrying on, in their several classes, some one particular branch of industry, which they practised from the first moment at which they could work, till they could work no longer,—the great mass of them, in fact, just as unskilled as the rudest agricultural labourer. Thus large masses of unskilled, needy, impoverished labourers were collected together, subjected to terrible privations and discomforts from their very agglomeration;—from the same cause almost at the mercy of their employers;—and from the same cause ready and apt to combine for mischief. Was this a state of things which Parliament could regard with satisfaction? Was it a good state of things? Was it better for the working people? Was it better for the rest of the community? What was the physical condition of these unfortunate people thus collected together? Was it a satisfactory one? He would not go into any lengthened details, but let him simply ask the House to remember what had been shown to be the comparative duration of life in Manchester, for instance, and in the county of Wilts, an agricultural district. In Wiltshire the average duration of life was thirty-three years: in Manchester, it was only seventeen. He did not mean to say that this difference in the duration of human life sprung solely or mainly from the nature of factory labour: but it clearly must arise from the circumstances taken all together, under which that labour was carried on in the great towns. Now, it could not be doubted that the evils of this physical condition were calculated to grow worse in every succeeding generation. A people whose life was reduced to one half of the usual average of the labouring class by no accident, no sudden disaster, no chance epidemic, but by the constant action of circumstances unfavourable to health and longevity, were not likely to propagate a vigorous and healthy race. He thought that no legislature could view with indifference a state of things that thus shortened human life, and tended to deteriorate the species. In some respects, no doubt, the factory labourer was better off than other unskilled labourers. But he did think that there were circumstances in that kind of labour that tended to the injury of health. The mere temperature in which they worked must tend to this result. There were these poor people working for hours and hours together all day long in an Indian temperature, and then turned out to go home and sleep in a northern climate. Nor was their social and moral condition at all satisfactory. No man could venture to say that they were properly educated. No man could say that their religious wants were properly attended to. No man could say that their moral condition was wholesome or natural. The mode of employment was such as to subvert all the ordinary relations of the sexes as to labour; the women and children did the hard work, the men occupied themselves with the household duties. The women and the children supported the men by their hard labour; though every one must admit that nothing could be of greater importance than that women should be limited to the discharge of their own proper functions. The political bearings of this state of things called for earnest consideration; for it could not but be acknowledged that the number of people thus collected together, with manifold subjects of complaint, with great facilities for combination, with no attachment, as a rule, to their employers, in a condition eminently open to the machinations of agitators—were circumstances fraught with much danger to the country, unless a speedy and effectual remedy was applied. Those who might shrink from the tauntof being actuated by mere humanity would find plenty of justification for legislating on this subject on grounds of mere interest. It was the interest of every friend of order and property to provide the remedy for a social state that could not continue without danger to both. And in looking for a remedy, it was consolatory to think that in the very circumstances which excited alarm there was one counterbalancing advantage. The very proximity of these masses of labouring population placed them more completely under the control and direction of Government, and afforded greater facilities for applying the various remedies which were needed—for properly organising these people, guiding them by religion, bettering them by education, restraining them by police, ensuring their comforts by sanitary regulations, and checking the growth of mischievous social habits among them by legislative interference. It was their duty to do so if they regarded their welfare—their policy to do so if they looked to their own safety. They had neglected the calls of duty and policy—they had allowed this vast population to grow up with the scanty provision for religious guidance which the chances of the old parochial division of several centuries ago had furnished—with the schooling which sectarian competition supplied—in such dwellings as the caprice or avarice of builders and ground-landlords ran up for them; and they had allowed, without any attempt at interference, the growth of that monstrous subversion of the ordinary relations of society which pervaded the whole labouring population of these towns. There was no thinking man that was not appalled at this state of things, and the prospect of its unchecked tendency. It is not a mere question of sentiment. Political economists did not regard it with unmixed complacency. Even Mr. M'Culloch, no sentimentalist, shook his head, and confessed that the growth of huge masses of manufacturing population was a source of alarm. But he only shook his head and confessed his fears: he suggested no remedy. His noble Friend ventured to grapple with the peril. One frightful, acknowledged evil he saw, and asked them to check, by preventing the weakness of youth and sex from being worked more than the usual period required for the labour of strong men in all other branches of industry in this country. He asked nothing more. He said ten hours' labour is the usual day's labour of grown-up men in this country. There is one immense branch of industry in which poverty and competition have compelled women and young persons to work more than this. Step in and aid them; and prohibit their working more than the full day's labour of men. Even if this prohibition should prevent men doing so, still prevent this mischief; and it would be no great evil if even the adult male cotton-spinner were indirectly prevented from overworking himself. The Government trembled at this proposal. They forgot the mischiefs of our present state—the perils of the future; they shrank from change; and dignified their inertness by the high sounding name of adherence to principle. But he would say these were among the fallacious pretexts by which selfish wealth had always showed its indifference to the well-being of the poor—by which incapable legislators had sought to rid themselves of the duties of Government. Such he conceived to be the importance of the object which the noble Lord sought to attain. His measure would reduce the toil of women and young persons within the limits of the usual day's labour of men in this country. It would tend to the improvement of their health: leave them more, though by no means enough of time, for education, household duties, and relaxation; and check the present disposition to the use of stimulants. His own expectation was that it would do this to a much greater extent than the mere amount provided by the Bill. He thought in all probability that it would at least in a great many mills induce the master to substitute the labour of men for that of young persons and women. It was known that vast proportions of the young men were now out of employ. They were told now by Mr. Horner that there are hundreds of young men working as piercers for less wages than those of young women. When you could no longer employ the women and young persons for twelve hours, what would be the difficulty of getting the unemployed, or those now employed at less wages to work for the higher wages now given to the women? The natural state of things would thus be restored, men would do the hard work, and women would be entirely left to their household duties. But, in many cases the limiting the labour of women and young persons, would undoubtedly limit the labour of all ages and all sexes. The mill would only go for ten hours. He must confess he thought this a very desirable result. He should like to see the workmen in our factories work no longer hours than the great body of labourers in the country. It was said that the opinion of practical men was altogether against the view of his noble Friend; but, with all respect for practical men, he was not always particularly inclined to take their opinions on matters affecting their own particular interests. They had always some paradise of a mill of their own or a friend's to bring up in proof that the particular complaint advanced was without foundation; there was always some statement that trade would not bear the weight of a single feather more, and the particular thing proposed to be done was invariably the feather which would bear down the scale. The present Bill, according to some of these practical men, was the feather which would bear down commerce. Comparisons every body agreed, were odious, but he could not help calling to mind that, in like manner, every measure which had been proposed for the removal of negro slavery had been objected to by a number of practical men, each of whom possessed some heaven on earth in the West Indies, whose negroes lived in the utmost happiness; and whether the proposal was to abolish the flogging of women, or the use of the cart whip in the field, it was always asserted by these practical authorities that that particular change would effect the ruin of the West Indian interest. He was ready to pay the utmost attention to the arguments and proofs adduced by practical men; but arguments and proofs he must require from them, for he would not be deterred by their mere vague assurances of the danger of interference. Nor was he much influenced by an argument, *in terrorem*, used by the right hon. Baronet, (Sir R. Peel), as to the consequences of interference to the extent proposed by the noble Lord. "If you do what you propose now," he said, "where will you stop? If you interfere with the cotton trade, you will interfere next with the screw-makers, the potteries, the button-makers, domestic servants, agricultural labourers, with all trades and businesses." He would at once inform the right hon. Baronet that, as far as he was concerned, his tendency would be to apply the same principle which the present Bill applied to factories, to every other case of a similar nature, up to the point at which he should be stopped by decided inconvenience, or absolute impossibility. Wherever the same interference would do more good than harm, he would interfere. Government themselves proposed to interfere with a twelve hours' limitation; his noble Friend, on precisely the same principle, thought ten hours a proper limit to factory labour. On the same principle, if there were any other branches of industry which Parliament could regulate as easily and safely as it could the labour in factories, he (Mr. C. Buller) would apply to them precisely the same principles as they applied to the factories. He did not know enough of the particular circumstances of the earthenware and button and screw manufactures to pledge himself as to the course which he would pursue with regard to them; but as far as knew of them, he could not conceive why they were not subjected to the same regulations as were deemed applicable to factories. With regard to domestic servants, he did not think interference would be so beneficial as to counterbalance the immense evils of the domestic inquisition which it would necessitate. In some classes domestic servants might be overworked; but these did not comprise the great body of the class; and certainly gentlemen's servants were not a body whose sufferings excited much of his commiseration. Then with regard to agricultural labourers, they certainly were not generally overworked. In other respects they had much to complain of. They were too often ill-paid, ill-fed, ill-clothed, ill-lodged; but Nature herself, the vicissitudes of night and day, prevented a general excess of out-door labour. As for the hard work in harvest, mentioned by the right hon. Baronet—who would complain if the long hours of labour in the factory prevailed only during two or three weeks of the year, when absolute necessity, arising from natural causes, required them, and if the labourer were stimulated to a brief occasional exertion by high pay, generous food, and the custom of the country, which made harvest a period of festivity, as well as of labour in common? But these, in fact, were the kind of terrors that were always held out to scare them from attempting anything for the benefit of the great body of the people. The wisest of men had said, "The slothful man saith, There is a lion in the way: there is a lion in the street." He never saw such a man for lions as the right hon. Baronet at the head of the Government. He elevated every cat, or shadow of a cat, into a lion, and said, "For God's sake don't go along the street, or you'll be eaten up." But the two right hon. Baronets had advanced more substantial arguments against the the amendment of the noble Lord. One of them had taken great pains to show that the proposed reduction of the hours of labour would exclude our manufactures from foreign markets; the other that it would occasion a large reduction of wages. These were arguments of a commercial nature, which the friends of humanity doubtless could not overlook; for if they were sound, they would be decisive against the humanity and justice of the noble Lord's amendment. There surely could be no real humanity in any attempt to better the condition of the labourer, that should end in depriving him of the means of earning his subsistence. But before he proceeded to discuss these two arguments separately, he must attempt to set them, and, if possible, the two right hon. Baronets who had made them, together by the ears. The one right hon. Baronet went upon the argument that the agreeing to the proposition of the noble Lord would prevent one main branch of our export trade from being able to meet foreign competition, in consequence of our manufacturers being compelled to raise the prices of their goods; the other right hon. Baronet said that prices would not be raised, but that wages would be be lowered, to compensate for reduced profits, and that the labourers would be the sufferers. But these arguments could not both be correct; for one assumed that prices would, the other that they would not, be affected by the reduction of the hours of labour. The right hon. Baronet at the head of the Government had expressed much alarm at the prospect of the change raising prices and preventing our contending with foreigners in neutral markets. He had most impressively called the attention of the Committee to the magnitude of the export trade, which such a measure would effect, and the numbers dependent on it. These were considerations that could not be too strongly impressed on the House. The right hon. Baronet had then gone on to dwell on the danger of placing any restrictions on manufactures that would at all increase the difficulties of competition with foreign rivals. He hoped that these alarms of the right hon. Baronet, and these admissions, would be borne in mind in the next discussion on the Corn Laws. It was said that the reduction of the hours of labour from sixty-nine to sixty, would diminish one seventh of the labour in factories. He thought this might be disputed: he thought it very questionable whether the last two hours of a person's daily labour were equivalent to two hours of earlier labour. There was one curious fact which had been mentioned in private by an hon. Member who, by the way, voted against him, it was a fact connected with factories in Scotland; and it was so well worthy of attention in its bearing upon the question before them, that he felt it necessary to refer to it. The statement to which he referred was, that for the first fortnight after a period of rest and relaxation, the operatives in those factories produced ten per cent. more than at any other period of their employment. Indeed, could it be doubted that in the last two hours of the twelve in which persons might be employed in factories, there was less labour performed than in the other hours? He would, however, grant, for the sake of argument, that the reduction of produce would be proportioned to the reduction in the hours of labour. Let them calculate with precision what the effect would be. For this purpose, he should take the liberty of calling the attention of the House to a statement similar to that by means of which his hon. Friend the Member for Salford, who was one of those insane manufacturers that did not understand their own interests, had calculated the amount of that reduction. The calculation which the hon. Member for Salford had made as to the amount of the reduction agreed with the calculation in a pamphlet published by Mr. Kenworthy of Blackburn, a very large manufacturer, who rose from being himself an operative, who was now the partner of the hon. Member for Blackburn, and who was very well acquainted with the subject. The calculation was, that the cost of manufacturing a pound of raw cotton into a pound of yarn—that was not exact, for he was told that it required about nine pounds of raw cotton to make eight pounds of cotton yarn; but as it would be seen that the difference would tell in favour of his argument, he was justified in omitting it for the sake of simplicity;—the cost of manufacturing a pound of raw cotton into a pound of yarn, No. 36, was at the highest 3*d*. Now, they said that the diminishing the hours of labour would diminish the produce of manufacture in proportion to the number of hours reduced: and in the same ratio increase the cost of production, if wages, profits, and expenses remained the same. If they reduced the hours from sixty-nine to sixty by a ten hour's Bill, they would increase the cost of production in the same proportion—that was, the manufacturing the pound of yarn would cost $3\frac{7}{16}d.$, instead of 3*d*. The reduction of the present hours of labour by an eleven hours' Bill, would in the same way increase the cost of production from 3*d*. to $3\frac{5}{16}d.$ Therefore, the increase of cost of manufacture by a ten hours' Bill would be 7-16ths of a penny, by an eleven hours' Bill it would be 5-16ths of a penny. Now the duty on raw cotton was 5-16ths of a penny per pound. Take off that, and they would exactly diminish the cost of production to the whole extent that an eleven hours' Bill would raise it. They would diminish it so as to prevent a ten hours' Bill raising the cost more than 2-16ths of a penny, or half a farthing. Now the price of a pound of yarn was given by Mr. Horner at 1*s*. Half a farthing advance on 1*s*. is just one per cent. The right hon. Baronet stated that the effect of the reduction would be ruinous to the manufacturers, in consequence of the competition of foreign manufactures; but if the right hon. Baronet wished to relieve the manufacturers from the effect of that increase in the price of production he could find the means, not by repealing the Corn Laws, or by any remedy which it would be difficult to apply, but by the repeal of a tax kept up for financial purposes alone, which was upheld by no interest of any kind, and which he was not sure would not at any rate be repealed whenever the Chancellor of the Exchequer brought forward that budget, to which every body was looking for the repeal of the particular tax that pressed on him. If the right hon. Baronet wished to relieve the cotton manufacturer from the pressure of the increase of price caused by diminished hours of labour, he had the means in the removal of the tax on raw cotton. That abolition of the tax on raw cotton would reduce the loss on the ten hours' Bill to almost nothing, and reduce it to absolutely nothing in the case of an eleven hours' Bill. That was a question between the labouring class and them, and they would advance their interests and remove from them any pressure from this alteration by giving up the duty on raw cotton, a duty which produces but half a million a year, and which they might without difficulty relinquish with a surplus revenue. If Her Majesty's Government were desirous of relieving the manufacturers from any of those effects which they said would be produced by a reduction of the hours of labour, let them remove the tax on raw cotton. The budget would show whether they were sincere or not in their desire to guard the manufacturers against this danger.

He would now deal with the argument which had been brought forward by the right hon. Baronet the Secretary of State for the Home Department, and which was altogether of an opposite nature. He said that he did not believe the increase of price caused by the reduction in the hours of labour would fall on the manufacturer, but that it would fall on the operative; and in reference to that portion of the subject, the right hon. Baronet made a statement from Mr. Horner, which he did not understand. He understood one part of it, however, namely, the page from which the right hon. Baronet quoted, and he referred to the data in that page, and made calculations from those data, which he had gone over more than once, and which he believed to be correct. He agreed with the right hon. Baronet in thinking that the reduction in the hours of labour would cause a reduction in the amount of production; that our dependence on foreign markets would prevent the price being raised; that the increased cost of production must fall either on profits or on wages; and that the labourer being the weaker party the reduction would ultimately fall on his wages. Agreeing thus far with the right hon. Baronet, he did not by any means agree with him as to the amount of the reduction, for it seemed to him that the right hon. Baronet had arrived at his conclusion by stopping short in the middle of his calculations. He would show this by going over and carrying on the calculation of the right hon. Baronet. By his hypothesis as much cotton per week must be produced, as would, after replacing the cost of the raw material, and some other fluctuating expenses, sell for

	£196 2 0	to replace fixed expenses, and	
	302 10 0	to replace wages of	350 men at 10*s.* 170 men at 15*s.*
Total	£498 12 0		520 men

Now, suppose the production to be diminished by nine hours out of sixty-nine, and a proportionate reduction of produce to take place, the value of the total weekly return will be to 498*l.* 12*s.* as 60 to 69, that is, it will be 433*l.* The loss of produce will be the difference between 498*l.* and 433*l.*, that is, 65*l.* per week. This, it was said, would have to come entirely out of the wages of the workmen, which being now 302*l.*, would then be 237*l.*, being a reduction of barely more than 21 per cent., or a little more than one-fifth instead of one-fourth, as sometimes assumed in the course of the opposite arguments. The 433*l.* produced will be divided into 196*l.*, to replace fixed expenses, and 237*l.* for wages—wages being reduced for each man from an average of 12*s.* 6*d.* to 9*s.* 10½*d.* per week. Here the right hon. Baronet stops. I say he ought to go much further to ascertain the results of the change. What is the result which he has thus got to in the state of the cotton trade and labour market? The result is, that the price of cotton manufacture will, by this hypothesis, be the same as before, the demand the same, and the profits the same—the only change being in the amount of wages, which will fall one-fourth, and the supply of manufactured cotton, which will be diminished by about one-seventh. This diminished supply will have to be met by increased production. Prices being unaltered, Great Britain will still have the sure command of the foreign market as before. The customer will still want the sixty-pounds' worth of goods which will not be forthcoming, and still come to us for it; and we shall, owing to the reduction of wages, be able to supply this deficiency as we did before, only we shall have to build a fresh mill producing that amount of cotton. This amount will be raised at a cost of 65*l.* per week, of which, at the new rate of payment for wages, about 29*l.* 8*s.* will be required to replace fixed expenses, and 36*l.* 12*s.* for wages. The result of this will be, that the same amount of cotton as before will be raised, and for the same cost; but in order to ascertain the total amount of wages that will be paid before and after the proposed change, we must add this 35*l.* 12*s.* to the 237*l.* paid before. The total amount paid in wages will then be 272*l.* 12*s.* Therefore the total amount of wages paid after the change, will be 29*l.* 8*s.* less than that paid before, being a reduction of nine per cent. Each workman's wages will be reduced, but new labourers will be employed. Or state it in another way. By cutting off nine hours of labour from the sixty-nine, you will render it necessary to employ more labourers than you had before, at reduced wages. But in order to set these labourers to work, you must expend so much money in rent of mill and machinery, and other fixed expenses, as will amount to 30*l.* on a weekly expenditure of 498*l.* This 30*l.* will have to be borne by the wages of the labourers, the total amount of which will, therefore, be to that extent less than it was before the change. That is, wages will be reduced from 302*l.* to 272*l.*, or just about nine per cent. Now these were the deductions which he made. He had shown that if Ministers were afraid of the effect of a reduction of hours, in giving an advantage to foreign competition, they had the remedy in their own hands. We have a large surplus, to what better use could they devote it? At least, don't let those, who could remove the whole danger by giving up the duty on raw cotton, talk of the noble Lord's Amendment as fraught with indefinite mischief. If, on the other hand, the result should be not an increase of prices, but a fall of wages, he had shown that the amount of that fall would be only nine per cent. This was a fall in wages which he did not hesitate to say would, in his opinion, be fully compensated by the increase of comfort and economy that would result from the women attending to their domestic duties. Those who took the same view of the subject which he took, were charged with maintaining that low wages were favourable to morality and comfort amongst the people. Now he would ask, had the comfort of the people always been in proportion to the amount of their monied wages? He had seen labourers in different parts of the Empire, and the highest paid labourers he remembered to have seen, were men employed at the collieries in the north of England—in Durham; but the work at which they were employed and their own habits caused such a total absence of domestic comfort and economy, and proper management, that he had frequently seen numbers of the labouring people at half the wages of those men in the collieries, who were, as a class, possessed of a greater share of comforts. It was not to be supposed that they would in the case before them diminish the comforts of the labourer in the proportion that they diminished his wages. No; he maintained that if there was an increase in the domestic economy and comfort of the labourer, with such a reduction as this would effect, it could not be looked on as a disadvantage. There was one other argument which, however unwilling he might be to occupy the time of the House, he felt it necessary to notice on that occasion—it was an argument which had been much hinted at in private quarters, but which had not as yet been brought fairly before the House in a way to be grappled with. It was said that the Corn-Laws were concerned in this question—that the Corn-Laws were menaced by the proposition to reduce the hours of labour, and hon. Members were told that if they ventured to agree to this proposal, they would be guilty of such an interference with manufactures, and throw such additional burthens on our foreign exports that the Corn-Laws could no longer be maintained: so that though some of the principal members of the League in that House opposed the Amendment, they did so only as a blind, in order that it might not be seen that the noble Lord was in fact doing the work of the League. He (Mr. Buller) would not say that there might not be something in that. It was not his business to defend the Corn-Laws; and in this case he did not think they were necessarily concerned; for he had ventured to argue that any burthen thrown upon our manufactures by the adoption of the Amendment, would be compensated by the reduction of the duty on raw cotton, that would give all the relief requisite, and to which the same objections could not be made that were made in reference to the Corn-Law, for there was no Anti-Tax-on-Raw-Cotton League, nor any league in opposition to that. But he thought he thought he could put the matter in such a light that the advocates of the present Corn-Laws might be induced to think that voting against the Amendment might also be attended with some danger to the maintenance of the sliding-scale. If the House were now to rescind the vote which they had come to on a former night, the public would know how they voted, they would see who changed his vote, and who maintained the opinion which he had formerly declared—they would know where the whip had been applied, and they would see who were absent, and who were suddenly present. The public would see, if the present system were supported by the friends of the Corn-Laws, on the ground of their being menanced by the proposition; and if they rescinded the vote they had already come to, it would be supposed that they had sacrificed humanity and policy to the support of them, and that, in consequence of such a desire, they had dashed the cup away from the lips of the operatives. The intelligent and thinking classes would be led to believe that humanity and policy together had been sacrificed for a peculiar interest; they would feel that the Corn-Laws had been made a pretext for maintaining another evil, and that to such a feeling the education, the moral and social relations, and the physical well-being of the people had been sacrificed. What would be the feeling of the operative when he worked the additional two hours at his task? Would he not feel, at his hard and prolonged labour, that he was not working during those hours for his bread, but to pay a bread tax? If hon. Members who put forward the argument that the Corn-Laws were menaced, regarded their own interests—if they wished to support the Corn-Laws, they would not induce the people of this country to believe that they were connected with the maintenance of every abuse and evil which existed in the social system. He had now stated his reasons for the course which he had taken; he had put forward arguments which were convincing to himself, but perhaps it would be too much to expect they could convince those who were opposed to him. The utmost he would ask was, that they would not say he voted against principle and common sense; that they would not refuse to give him credit for common honesty; and, at all events, that he had made out at least a plausible case in support of the course which he had taken. The House of Commons would, he trusted, consider the importance of the question before them—the effect of rescinding the vote which they had already given—a course which was most unusual, and whether right or wrong was always dangerous, and of the gravest importance—he trusted they would consider that they might, by their course in this matter, give rise to feelings which had not before existed. He gave full credit to Her Majesty's Ministers for the honesty of the convictions which induced them to oppose the proposition which had been made, notwithstanding the unpopularity of that opposition; but he would call on hon. Members to recollect that they voted in favour of the proposition of the noble Lord (Lord Ashley) a few nights ago, and he would ask them if they would be less bold to-night, or less confident in the justice of their cause now, when they were called upon by the Government, against parliamentary precedent, to rescind their own determination; it was a gratifying vote, the vote of the other night; it was pleasing to witness the union of all parties and all interests in the cause of humanity; he was sure the same feeling which animated them before would animate them now, and that they would not be influenced by the presence of some, or the absence of others, to change the resolution they had come to; and that there would be no difference in their decision to-night from that which they had already come to, but that they would boldly persevere in that course of humanity and sound wisdom which the House of Commons had done itself the honour of adopting.

Lord *F. Egerton* rose for the purpose of removing an impression which a statement of the noble Lord (Lord Ashley) with respect to a manufacturer in his (Lord F. Egerton's) neighbourhood was calculated to make. The noble Lord stated that Mr. Peter Holroyd had refused to employ a man because he was forty-three years old; now he was authorised to state that Mr. Holroyd had no recollection of having done so.

Mr. *T. Duncombe* wished to know if it was the intention of the Government to permit the House to go to a division without allowing hon. Members an opportunity of having the opinion of one of Her Majesty's Ministers on the proposition now before them. The House had a right to some explanation, when it was called on to come to a vote diametrically opposite to that which they had come to the other evening. The people of this country were prepared for any injustice on the part of that House or the Government; but when they were now called on to agree to the grossest inconsistencies, they ought to have some reason assigned for doing so. The hon. Member for Sheffield said, that he could go cheerfully amongst the operatives of the town which he represented, and meet them upon the vote which he was about to give this evening. But might not those operatives be entitled to look upon this appeal as an insult to them rather than otherwise? Would the hon. Gentleman have been so freely prepared to go amongst them if those operatives had votes at their disposal for the town of Sheffield? If so, and the hon. Gentleman were to appeal to them, he thought the hon. Gentleman would find that his seat was in great peril. Only two years ago he (Mr. T. Duncombe) presented a petition to this House, signed by upwards of 3,000,000 of people, chiefly in the manufacturing districts, and one of the paragraphs in that petition he would beg to recall to the attention of the House. That paragraph pointed out as a subject of complaint that the hours of labour in the manufacturing districts were too long, and that the atmosphere which they were compelled to breathe for so long a portion of each day was highly prejudicial to their health. When he presented this petition, he asked the House to allow the petitioners to appear at the Bar, and be heard in support of the statements which they made. The House, however, refused to accede to this request, and told him (Mr. T. Duncombe) to bring forward specifically any of the grievances complained of by the petitioners, promising to give to them their best attention. The noble Lord the Member for Dorsetshire had brought forward one of the very grievances complained of in this petition; the House had given the subject its best attention, and had come to a vote of relief; and now Her Majesty's Government came down, with all their supporters, for the purpose of reversing the decision which had then been come to. Look at it as people might, this question was really one between avarice and humanity; between an insatiable thirst for gain on the one hand, and the amelioration of the moral and physical condition of the people on the other. Honourable Gentlemen might talk of humanity-mongering, and a spurious humanity, but as the hon. and learned Member for Liskeard had said, it was the very principle of humanity which had stood forward, some years ago, in behalf of the slaves of the West Indian colonies, and succeeded in carrying the great measure of negro emancipation; and this spirit, this spirit of spurious humanity, as Gentlemen are pleased to call it, would, he sincerely believed, sooner or later, set free the white slaves of this country. Gentlemen might treat this question as they pleased this evening, but they might depend upon it that was one, the settlement of which could not be any longer delayed. There were very few persons connected with the manufacturing districts who did not think that the measure of the noble Lord the Member for Dorsetshire was a good one, and one which must have an advantageous effect upon the condition of the working classes. Being firmly of the same opinion himself, he should give that proposition, on all occasions, his earnest and best support.

Sir *J. Graham* [*on rising to speak, was met by considerable cries of* "Adjourn," *and* "Go on."] The right hon. Baronet said, I can assure the Committee, that if I knew what their wishes were as to proceeding or not with this debate this evening, I should endeavour to meet it. If it be your pleasure that we should go to a division this evening I should wish to address you very shortly in reference to the merits and present position of this case. Having already, on the former occasion, addressed the Committee on this subject at considerable length, I shall endeavour to be as brief as possible on the present occasion. [Mr. *Hindley* here moved that the Chairman report progress.] The right hon. Baronet however continued. As I believe I am in possession of the House, I must beg to be allowed to make the few observations which I have thought it my duty to offer on this subject. If I could agree in opinion with the hon. Member for Finsbury that the moral and physical condition of the people would be improved by the Amendment of the noble Lord the Member for Dorsetshire, no one would more cheerfully acquiesce in that proposal than myself; but it is because I do not think that it would have this effect, that I feel it to be my duty to persevere in the opposition which I gave to it on a former evening. Notwithstanding the threat of the hon. Member for Pontefract that Her Majesty would be addressed to remove Her present Ministers if this measure be carried in the form which I propose—notwithstanding the prediction of the noble Lord the Member for Newark, that the country would be thrown into convulsion, unless the proposition of the noble Lord the Member for Dorsetshire were affirmed —notwithstanding the unfriendly opposition of the hon. Member for the University of Oxford, and the combined attack, rather an extraordinary one, of the hon. Baronet and of the hon. Member for Finsbury, I am bound to say, that considering all the circumstances I never remember a a case upon which I less hesitatingly came to a conclusion as to the course I should take, than on the present occasion—and the result is, that I feel it to be my imperative duty again to divide the Committee upon this important question. With regard to the charge of taking the House by surprise, I beg to remind the Committee that I endeavoured to avoid any pretence for such an accusation the other evening, when, after the division on the second clause, I stated distinctly that I should feel it to be my duty to take the sense of the Committee again upon the principle involved in the eighth clause; and I will state the reasons which led us to come to this determination. I am bound to state that I was taken by surprise, more or less, at the result of the division on a former evening. The hon. Member for Finsbury says it would be useless to attempt to deceive the country. I am not one who has ever been inclined or accustomed to do so, and, therefore, I state fearlessly that I was certainly astonished by the vote which was come to the other evening, when it was my misfortune to vote against the noble Lord the Member for London, and several other Members of the late Government. I was the more surprised, because I recollected, in 1833, and again on a more recent occasion, so late as 1839, giving my cordial and strenuous support, in aid of their administration, to the very course which the present Government is now adopting. After the vote of the other night, I felt, that, considering the great interests which were at stake, time should be given to reconsider the question and that as the division was not one of party, on the contrary, party seeming to be dissolved in reference to it, some short interval should be allowed to enable public opinion and discussion out of doors to operate in some degree upon the decision which this House might ultimately adopt. I thought it of great importance, in arguing upon a case depending in great measure upon facts which might have been erroneously understood, that time should be given for communication with those districts in which those facts could be best verified. The noble Lord the Member for London rested his vote the other night very much upon the speech of the hon. Member for Leeds, who stated that 300 master manufacturers of the West Riding of Yorkshire, and forty-three of the city which he represented, were in favour of the proposition of the noble Lord the Member for Dorsetshire. This was a statement, which was certainly calculated to produce a very great effect against the measure which we proposed; and it became advisable on the part of Her Majesty's Government, to take steps to ascertain what the feeling really was in the city of Leeds and in the cotton districts of Manchester and other parts of Lancashire and of the West Riding. Now, a deputation from Leeds waited on my right hon. Friend at the head of the Government to day, headed by Mr. Marshall, and they declared that all the great flax manufacturers of Leeds were strongly adverse to the noble Lord's proposition. With regard to the woollen trade, some information has also been received, but it does not go to the same extent. There appears to be a greater division of opinion amongst the woollen manufacturers than amongst the manufacturers of flax upon this subject. I think it seems, however, pretty well agreed amongst them, that although they might concur in an eleven hours Bill, they strongly object to a ten hours Bill. But a more important question, is, what is the nature of the communications received by the Government from the great manufacturing interest of the county of Lancashire. It would be impertinent at this late hour for me to refer to written communications; but I will state as shortly as I can to the Committee a summary of their contents. And I can assure the Committee that that great and important interest has been taken entirely by surprise by the vote which the House came to on a former evening. I have received a deputation to day of eight or ten gentlemen, employing no fewer than 8,000 workmen amongst them, and representing no less than 140 firms of the cotton trade of Lancashire; and the summary of their communications is to this effect:—That 129 of those firms join in earnestly entreating the House not to abridge the twelve hours of labour in factories; seventeen others consent to the proposition for limiting the labour to eleven hours, and the remainder four only in the number can be considered as favourable to a ten hours Bill. Now, I have been asked by the hon. and learned Member for Liskeard (Mr. C. Buller), to give the Committee some new arguments, and some fresh reasoning to induce it to reconsider its decision of the other night. I am bound, in answer to that appeal, to state, that whether it be from the weakness of my reasoning powers or possibly from the exhaustion of this subject, I have no fresh arguments—no additional reasons to offer — having stated already most fully all the arguments and all the reasoning which occurred to my mind as conclusive on the subject. I have dispassionately and carefully considered those reasons and those arguments, and the conclusion to which they lead irresistably, before I stated them to the House; and subsequent consideration and subsequent inquiry have only contributed to stengthen my conviction that the course proposed by my noble Friend (Lord Ashley) is, beyond all doubt, that course and that measure which is most fatal to the interests of those whose cause he espouses, and whose welfare he, in common with us all, is most anxious to promote. It has been said, the working operatives are themselves willing to submit to a great decrease of wages, should it be necessary, as consequent on the proposed limit of time. I must say, however, that I should conclude from the language of a letter I have in my hand, signed by Mr. Hoare, the chairman of a deputation of workmen now in London, that *a priori* they feel sensible that a reduction of wages will not be the certain result of a diminution of the hours of labour. The hon. Member for Knaresborough assents to that proposition. If so, and I am right—[*Cheers.*] and the hon. Member cheers me and assents to it—then, I say, satisfied as I am that they are grossly in error on that point, believing that a large and an early reduction of wages must result inevitably, I am satisfied that disappointment of the most poisonous kind would ensue from the success of the proposed restriction. It could not fail to lead to enmity between the master and their men, to strikes for an increase of wages, to wide spread tumult, to protracted discontent, and to consequences endangering both life and property:—therefore, there is no effort I would not make, there is no odium I would not incur, rather than run the risk of occasioning such disappointment and of fostering delusions which must end in ruin. [Mr. *Ferrand:* "Give the proposition a trial."] The hon. Member says—give it a trial. But there are certain experiments from which, once tried and failing, there is no return. The risk is too great. This, therefore, is an experiment I am not prepared to make. Then, it is said, agree to this proposal, and it will be a final settlement. But, Sir, the House must bear in mind what was stated on a former evening, by the hon. Member for Oldham, who has been all along the most active and faithful coadjutor of the noble Lord (Lord Ashley). He told us that a ten hours Bill would not, and ought not to be received as a satisfactory settlement of the question; and that he will never rest satisfied until he obtain a Bill to limit the hours of labour to eight. Is this, then, the settlement—is this the conclusion at which we are to arrive by agreeing to the noble Lord's proposal? But it is put in the shape of an alternative, and the hon. and learned Member for Liskeard says, either my right hon. Friend (Sir R. Peel) was wrong when he warned the House as to the effect of the measure in regard to foreign competition, or I was wrong, when I stated the great reduction of wages which I thought would inevitably ensue. My belief is that if our manufacturers, with expensive machinery, are compelled to work only ten hours a day, while their foreign rivals work fourteen—if our operatives are limited to sixty hours a week, while their competitors, whether in America, in France, in Switzerland, on the borders of Austria, or in Germany, and in Belgium, work eighty-four hours in the week—I say competition under such circumstances can only end in defeat; it may be sooner or later; but I am certain defeat must, under such circumstances, inevitably attend the British manufacturer, unless, indeed, the wages of labour be reduced in this country below the level of the Continent. But, then, it is said the noble Lord's proposal is not at once to come into operation. Now, Sir, I am by no means satisfied that if it be done at all it should not be done immediately. For, observe the effect. We are now discussing whether we shall substitute for twelve hours, ten hours a day as the limit of factory labour, on the ground that religion and humanity demand this limitation. That is the proposition upon which we are about to divide. The noble Lord has given notice that he intends (having carried that) not to bring his new restrictions into operation until October next, when, for two years, the limit shall be eleven hours, and at the end of that period of two years it shall be further reduced to ten hours. Now, with that warning before him, what master manufacturer, does the noble Lord suppose, will venture to renew his machinery, to increase it, or to lay out one farthing of money in the maintenance or extension of his trade? He will regard the success of this proposal as a notice to quit, and I am satisfied that my hon. and learned Friend the Member for Clitheroe (Mr. Cardwell) has stated the point with the force of simple truth. I am satisfied that now, with the power unlimited of transferring our machinery to foreign countries, where there is no limit of hours (for though there is an apparent restriction in France, in the absence of any system of inspection it is not operative, and cannot be carried into effect) and we know of large establishments on the confines of Austria where they work for fourteen hours every day for six days in the week—in Austria, which, next to Belgium and Switzerland, is our greatest manufacturing rival—if you limit us here to ten hours a day we shall find that our manufacturing capital will soon follow our machinery to foreign countries. I am as satisfied as I can be of any mathematical proposition, that the first effect will be, if wages do not greatly fall, to transfer our manufacturing capital to those foreign countries which are already our rivals, and that the inevitable and speedy result will be the downfall of our domestic manufactures. And what will be the effect of diminishing the demand for labour amongst the masses congregated together in our manufacturing districts? Will morals be improved as degrading poverty advances? Will education spread, when wages become lower? Will manners become more civilized, and will religion penetrate the masses when discontent has taken the place of prosperity, and when ease and comfort have given place to despair? I will not follow the hon. and learned Member for Liskeard through his calculation in opposition to mine, which I stated on a former evening; but I must, notwithstanding what the hon. and learned Member has asserted, repeat that the calculation I submitted to the House was founded upon the most accurate data, and compiled with the most competent assistance; and since then, by my direction, the factory inspectors have referred those calculations to six of the principal master manufacturers of Lancashire; and if time would permit, I would read the answers given, and there is no possibility of concert or collusion with the parties making them; the conclusion to their concurrent testimony is, that the necessary reduction in wages consequent upon this Measure being carried cannot be less than 20 per cent. (a reduction to be made not only in reference to the diminution of time, amounting to one-sixth of the labour for which wages would be paid, but accompanied also with the burthen which must be thrown on the labourers to meet the decreased profits of the master manufacturer, and to pay the interest of his fixed capital, which must be replaced within a limited time), and I will repeat that, according to that calculation, though it has been put at 20 per cent. the reduction can not be less in my opinion, than from 23 to 25 per cent. And I assure the House, that these master manufacturers, to whom the question was referred, have furnished me with returns, founded on their own book accounts for the year 1843, and all concur in the statement that the diminution of wages if tested by the trade and the returns of the last year cannot be less than from 20 to 25 per cent. [An hon. *Member:* For how long?]—The calculation proceeds on the assumption that ten hours a day is the limit of labour, and that the power of production is reduced in the ratio of one-sixth; and then, the demand for the manufactured article remaining the same, the permanent reduction of wages without a decrease of profits, must be at least 20 per cent. Now, Sir, if the House should be of opinion with me, that one of two consequences must result immediately—either that there shall be a large reduction of wages—whether 25 or 15 per cent. I care not—or a fearful decline in the profits of the manufacturer—I ask, whether the diminution of two hours labour in each day, will compensate for the evils which the labourer must endure in either case? The point, to be determined by the Committee is this;—whether by a diminution by one-sixth of the hours of labour you can compensate the working classes for the inevitable misery that must be consequent upon a reduction of wages to the amount of 20 or 25 per cent.; or if that shall not be the immediate consequence—if the consequence should be the advancement of foreign competitors—that which cannot occur without eventual loss to the manufacturing labour of this country—I put it, then, to the Committee whether any diminution of labour such as the noble Lord contemplates can be compensated by the sufferings induced by a diminished demand for labour and a large reduction of wages? It is most painful to me to be opposed upon this occasion to the great body of Gentlemen with whom I have acted with great satisfaction, and from whom Her Majesty's Government have received so cordial and generous a support; but I am so deeply impressed with the magnitude of the interests that are at stake—I feel so sincerely that I cannot yield on this point—that all personal considerations are but as dust in the balance, compared with my sense of duty. I am quite satisfied that in point of fact our commercial and manufacturing prosperity is at stake upon the decision of this evening. With our manufacturing and commercial prosperity I am satisfied the peace, happiness, and future greatness of the community are indissolubly connected. A serious injury is likely to be done by the proposition that is now made, and any such result it is my duty to oppose —feeling and believing that it will have that effect, I do most strenuously oppose it. It is my duty, as a Minister of the Crown, not to flinch on such an occasion, and I now call upon you to re-consider your last decision in the hope that the House will rescind a Vote which Her Majesty's Ministers believe to be dangerous. It is our duty, as men of honour, to give you the opportunity, and therefore, upon that ground I now go to the division. If I had had the opportunity of speaking at an earlier hour I should have said much more, and have read to the House as evidence of the correctness of my views the documents of which I am in possession. It is sufficient for me now to entreat the House to pause in the career on which they are now entering. It will be to me a matter of great regret if they should confirm their former decision; for I should regard it as the first step in the decline of our commercial greatness. On the other hand I shall indeed rejoice in the reversal of your former Vote, because I shall receive this careful revision, not unworthy of a deliberative assembly, as a proof that you are still anxious to cherish the great commercial and manufacturing interests of this country, which, if they be maintained, will still secure our national greatness; if they languish—if they perish—our strength and our power are gone never to return.

Mr. *Beckett* denied, that he had ever said that 300 manufacturers of the West Riding were for a ten hours Bill. He had stated that of seventy-eight manufacturers, there were forty-seven in favour of ten hours, thirty-one in favour of the work being between ten and eleven hours, and not one in favour of twelve hours. On a former occasion he had stated that they were in favour of eleven hours, and that, too, he could say was the general opinion of his constituents. The right hon. Baronet had spoken of a deputation waiting on him. Did the right hon. Baronet dare to ask that deputation if they were in favour of twelve hours? He had seen the deputation, and they had asked him to go with them to the right hon. Baronet; but as he had opposed the Government on this question, he declined doing so. By the Petition which they had shown, they declared that they would prefer that the Bill were withdrawn, rather than that a ten hours Bill were adopted. He himself asked the deputation a question as to a Twelve Hours Bill, which they deprecated, and one of them said, they would get as much work in eleven hours as out of thirteen hours, and to let the people home at six o'clock. But then they were afraid of a ten hours, whilst they were in favour of an eleven hours Bill. That document was most respectfully signed, and the gentlemen who formed the deputation were also most respectable.

Sir *James Graham* wished to read to the Committee the prayer of the memorial. It was signed by Marshall and others; but he need not enumerate all subscribers.

There could be no doubt but that the memorial contained the names of the principal flax manufacturers of Leeds. It was stated in this memorial that the great body of the flax manufacturers, and also of the woollen manufacturers, had signed it, and the prayer of the memorial was this. They stated then, in their memorial, that the mode of working the mills in Leeds and its neighbourhood was not oppressive to the working people, nor injurious to their health, and that a reduction of labour to fifty-eight hours in the week, as proposed by Lord Ashley, would be followed by a serious reduction in the earnings of the working people; that it would cause great distress, inflict great injury, and increase the difficulty of persons in this country contending against foreign manufacturers. His hon. Friend who had just sat down had stated that the master manufacturers did not desire a twelve hours Bill, but were satisfied with eleven hours. His hon. Friend had said distinctly that this was their wish, and he should now let them speak for themselves. The memorialists respectfully represented their earnest desire that no legislative enactment might be passed interfering with the present practice in the mills in that town and its neighbourhood. and praying that Her Majesty's Government would withdraw the Factory Bill, if the House of Commons insisted on retaining the provision moved by Lord Ashley.

Mr. *Beckett* hoped he might be allowed to appeal to his hon. Colleague, as to whether the feeling in Leeds was not in favour of an eleven hours Bill.

Mr. *Aldam* observed, that the memorial presented by the deputation had the name of almost every flax manufacturer. There had not been one refusal to sign it. It had been taken round without selection, and the same was the case with the woollen manufacturers. There were in that trade but two refusals; one from a person not in the habit of signing memorials, and the other from a person in favour of a ten hours Bill, because with it, he said, they would get rid of inspectors, and all trouble whatsoever. With respect to an eleven hours Bill, he must say that public opinion in Leeds was favourable to such a measure. The opinion of the manufacturers, then, in general, was against a ten, and in favour of an eleven hours Bill. It was, however, but fair to state that the adoption of an eleven hours Bill would not make any material difference in the ordinary hours of working. In flax mills, eleven hours and-a-half was the ordinary time of working. and in woollen mills eleven hours. That was the average time. If the mill-owners were anxious for an eleven hours Bill, it was in order to bring about a final settlement.

Mr. *Mitchell* had consulted an eminent flax spinner upon the subject of the ten hours Bill, and he stated that the effect of such a measure would be to withdraw one-sixth of the males employed in driving, weaving, and plashing flax. He had, 4,000 men employed in his manufactory, and one-sixth of them would be thrown out of employment by a ten hours Bill.

Mr. *Muntz* wished merely to notice a paradox stated by the hon. Gentleman the Member for Clitheroe. He said that no masters paid so little as English manufacturers, and that no men received so much as English workmen. Now, he believed that no manufacturers paid so much as English masters; and some conversation he had lately held with a foreign manufacturer confirmed him in this opinion.

The Committee divided on the question that the blank be filled with the word "twelve":—Ayes 183; Noes 186: Majority 3.

List of the AYES.

A'Court, Capt.
Allix, J. P.
Arbuthnot, hon. H.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Balfour, J. M.
Baring, hn. W. B.
Baring, rt. hn. F. T.
Barrington, Visct.
Barron, Sir H. W.
Bell, M.
Bentinck, Lord G.
Blackburne, J.
Blakemore, R.
Boldero, H. G.
Botfield, B.
Bowes, J.
Bright, J.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Cardwell, E.
Carnegie, hon. Capt.
Cartwright, W. R.
Castlereagh, Visct.
Charteris, hon. F.
Childers, J. W.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Collett, W. R.
Corry, rt. hn. H.
Craig, W. G.
Cripps, W.
Currie, R.
Damer, hn. Col.
Darby, G.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douro, Marquess of
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Evans, W.
Feilden, W.
Filmer, Sir E.
Fitzmaurice, hn. W.

Flower, Sir J.
Follett, Sir W. W.
Forster, M.
Fox, S. L.
Gibson, T. M.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gordon, hn. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hale, R. B.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hastie, A.
Hay, Sir A. L.
Hayter, W. G.
Heathcote, Sir W.
Herbert, hn. S.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Howard, P. H.
Hussey, T.
Hutt, W.
Irving, J.
Jermyn, Earl
Johnston, A.
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knightley, Sir C.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hon. W. S.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
McNeill, D.
March, Earl of
Marjoribanks, S.
Marshall, W.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Mildmay, H. St. J.
Mitcalfe, H.
Mitchell, T. A.
Morgan, O.
Morrison, J.
Mundy, E. M.
Neeld, J.
Nicholl, rt. hon. J.
O'Ferrall, R. M.
Ord, W.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Pollock, Sir F.
Powell, Col.
Pringle, A.
Protheroe, E.
Reid, Sir J. R.
Ricardo, J. L.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Sanderson, R.
Scarlett, hon. R. C.
Scott, R.
Seymour, Sir H. B.
Sheppard, T.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Stuart, Lord J.
Stuart, W. V.
Stuart, H.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Tollemache, hon. F. J.
Trelawney, J. S.
Trench, Sir F. W.
Villiers, hn. C.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Wellesley, Lord C.
Wilbraham, hn. R. B.
Williams, T. P.
Winnington, Sir T. E.
Wood, Col.
Wood, Col. T.
Wrightson, W. B.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adare, Visct.
Adderley, C. B.
Aglionby, H. A.
Ainsworth, P.
*Aldam, W.
Antrobus, E.
*Archdall, Capt. M.
Arundel and Surrey, Earl of
Bankes, G.
Bannerman, A.
Baskerville, T. B. M.
Beckett, W.
Beresford, Major
Berkeley, hon. Capt.
Bernal, R.
Blackstone, W. S.
Blake, M. J.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Browne, hn. W.
Buller, C.
Busfeild, W.
Butler, hon. Col.
Butler, P. S.
Carew, hon. R. S.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chapman, B.
Chetwode, Sir J.
Cochrane, A.
Colborne, hn. W. N. R.
Collett, J.
Colquhoun, J. C.
Colvile, C. R.
Copeland, Mr. Ald.
Cowper, hn. W. F.
Crawford, W. S.
Curteis, H. B.
Dalrymple, Capt.
Davies, D. A. S.
Dawnay, hn. W. H.
Denison, W. J.
Denison, E. B.
D'Eyncourt, rt. hn. C. T
Dickinson, F. H.
Disraeli, B.
Douglas, Sir H.
Douglas, J D. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, Adm.
Du Pre, C. G.
Easthope, Sir J.
Eaton, R. J.
Ebrington, Visct.
Egerton, Sir P.
Ellice, E.
Ellis, W.
*Ewart, W.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Ferrand, W. B.
Fitzroy, Lord C.
Fox, C. R.
French, F.
Fuller, A. E.
Gardner, J. D.
Gill, T.
Gore, M.
Gore, W. R. O.
Gore, hon. R.
Granger, T. C.
Gregory, W. H.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grogan, E.
Grosvenor, Lord R.
Guest, Sir J.
Halford, Sir H.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, J.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Heathcote, G. J.
Henley, J. W.
Hervey, Lord A.
Hindley, C.
Hollond, R.
Hornby, J.
Horsman, E.
Howard, hon. C. W. G.
Howard, Lord
Howard, hn. E. G. G.
Howick, Visct.
Humphery, Mr. Ald.
Inglis, Sir R. H.
James, Sir W. C.
Jocelyn, Visct.
Johnstone, Sir J.
Kemble, H.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Lefroy, A.
Leveson, Lord
Lindsay, H. H.
Macaulay, rt. hn. T. B.
Mc Geachy, F. A.
Macnamara, Major
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
*Martin, J.
Marton, G.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mordaunt, Sir J.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Neville, R.
Newdegate, C. N.
Newry, Visct.

O'Brien, A. S.
O'Connell, D.
O'Connell, M. J.
Ossulston, Lord
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmer, R.
*Palmer, G.
Palmerston, Visct.
Plumptre, J. P.
Plumridge, Capt.
Polhill, F.
Pollington, Visct.
Praed, W. T.
Pusey, P.
Ramsbottom, J.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Ross, D. R.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scholefield, J.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, A.
Smith, J. A.
Standish, C.
Stanton, W. H.
Staunton, Sir G. T.
Stewart, J.
Strickland, Sir G.
Taylor, E.
Taylor, J. A.
Tollemache, John
Tomline, G.
Towneley, J.
Troubridge, Sir E. T.
Tufnell, H.
Vane, Lord H.
Wakley, T.
Walker, R.
Wawn, J. T.
Williams, W.
Wilshere, W.
Yorke, H. R.

TELLERS.

Ashley, Lord
Brotherton, J.

The Committee again divided on the question that the blank be filled up with the word "ten".—Ayes 181; Noes 188: Majority 7.

[It seems needless to republish the names on the second division as they were nearly the same on both. Those who voted Aye on the first voted No on the second. The Gentlemen marked with an asterisk voted with the Noes on both divisions, and caused the neutralizing result.]

Paired off (First Division).

AYES.	NOES.
Attwood, J.	Drax, J.
Hobhouse, rt. hn. Sir J.	Russell, rt. hn. Lord J.
Hume, J.	Benett, J.
Loch, J.	Egerton, Lord F.
Master, J. W. C.	Byng, rt. hn. G.
Wood, C.	Wortley, S.

Sir *J. Graham*: As the Committee has decided against both ten hours and twelve hours, I think I shall best show my respect for the decision of the House as well as my regard for the great interests concerned, by postponing until Monday all further proceedings as to this Bill.

Lord *Ashley*: Sir, no man is more ready than I am to bow to the decision of this House; and although I ventured at the outset to make a solemn appeal to their feelings, I will never presume to impugn, even in thought, the justice or humanity of this great assembly. But, though defeated now, I have a right which I shall endeavour to assert on every legitimate occasion. I shall persevere to the last hour of my existence, and I have not the slightest doubt that with the blessing of heaven I shall have a complete triumph.

House resumed; Committee to sit again.

The House adjourned at two o'clock.

HOUSE OF LORDS,

Monday, March 25, 1844.

MINUTES.] BILLS. *Private.*—1ª· Beccles Navigation; Severn Navigation; Edinburgh Market.
2ª· Rochdale Gas.

PETITIONS PRESENTED. By Lord Kenyon, from Presbyterian Congregation, Edward-street, against Dissenters' Chapels Bill.—By Lord Kenyon, from 4 and by the Bishop of Bangor from 9 places, against Union of Sees of St. Asaph and Bangor.—By the Earl of Besborough, from Derby, against Poor Laws Amendment Act.—From Chillingham, and 4 places in favour of Protection to the Agricultural Interest.—By Lord Campbell, from Dumfermline, for better Remuneration of Schoolmasters (Scotland).—From Lleyn, against any further Grant to Maynooth College.—By the Marquess of Clanricarde, from Prince Edward's Island, for Restoration of the Irish Parliament.—By Lord Brougham, from Shott's Iron Works, against Mines and Collieries Act.—By Marquess of Normanby, from Relatives of John Mitchell, complaining of his Enlistment—From Sheffield, complaining of Imprisonment of Mr. Robinson and others.

LIMITATIONS ON THE HOURS OF LABOUR.] Lord *Brougham* rose to present a Petition from the Coal and Ironstone Miners of Lanarkshire, in which they complained of the distress which they endured in consequence of the course which the Legislature had, two years ago, deemed it proper to take for the regulation of their labour, (the Mines and Collieries Act) by which many females were deprived of the means of earning their subsistence, at an age when it was impossible for them to undertake any other species of employment. The Petitioners therefore besought their Lordships to allow those females, under whatsoever restraint or regulation their Lordships might deem fitting for their protection, to resume the only employment by which they could earn a livelihood; and, if not too late, to save them from the consequences of that cheap humanity—of that vicarious generosity — of that false philanthropy which at present seemed to have obtained possession of the Legislature. He could not present that Petition without taking the opportunity of expressing the sentiments he entertained, respecting that easy virtue which seemed to obtain among a large portion of the Legislature. It was a one-sided humanity, as well as a false humanity, inasmuch as it professed to maintain the rights, to support the interests, and to relieve the sufferings of those individuals who were its chief object, while it inflicted, at the same time, the deepest wounds, through hypocritical and short-sighted policy, on the very parties whose interests it professed to have at heart. He had been for a very long time a fellow-labourer with others in many good works for bettering the condition of the working classes. He had constantly, throughout his political life, been their advocate and supporter, when oppressed, according to his feeble means—would that his means had been ample in proportion to his good wishes and anxious desires! He had attempted to improve their minds as well as to extend their comforts. Surely, then, he, who had always exerted himself to promote the good of the people—he, who never in his life had given a vote, or written a line, or said a word, that tended to their oppression or neglect—but who had endeavoured, through good report and evil report, to do whatsoever he could to serve their best interests, temporary or permanent—he, who had studied to keep up the rate of their wages, and to keep down the price of their food—he, surely, had some right to be heard, when the question related to the comforts, the subsistence, to the labour and to the hardships which were the lot of the working classes. When it was said that many were engaged in unhealthy occupations—that many were worked too hardly—that frequently they laboured too heavily, and were too lightly fed; while all this must be admitted, still, he feared that those privations, those sufferings were the inevitable lot of humanity, and ever attendant upon man in an advanced state of civilized society. But he would not be perverse enough to call them oppressions—he would not be rash enough—he would not be impious enough to call them oppressions on the part of man, until he had heard from some learned doctor how much of these evils could be removed by human means, and human laws; and how much of them were the inevitable consequence, the unavoidable result, of the mysterious decrees, the inscrutable dispensations of an All-wise and All-mighty Providence. Therefore, he said, "Show me any means, within the scope of human laws, to remove those evils—show me any better course of Legislation to do away with those sufferings—show me any better rule of conduct by which our governors may be able to avoid those mischiefs—and then, if those means be not resorted to, we may use the word 'oppression.'" But, until that was demonstrated to him—until it was proved that the means of removing these sufferings were within their reach, and were neglected—he would not admit, that the evils complained of were the mere result of oppression, though he allowed that they were heavy afflictions and deplorable calamities. But certainly he would never be a party to anything which, under the semblance of humanity, was calculated to inflict greater evils on the labouring population of this country than even those which they now complained of. And now, he would ask, was all their sympathy to be confined to the spinners of cotton and carders of wool? Was no suffering to be found amongst other classes of society? Could any half-dozen of occupations be named in which workmen and workwomen were employed, with respect to which no right to claim compassion could be found, and if compassion, according to the new and pernicious doctrine of the day, a call for legislation? Not a few of the many occupations in which the people were employed called as much, on various points, for legislative interference, as did the number of hours during which children ought to be employed in cotton factories. Here he begged leave to state the opinion of a great authority on this subject. Coming from so grave a quarter—coming from a man who was so thoroughly conversant with the question—coming from one whose whole public life was devoted, as far as in him lay, to the benefit of the people—coming from an individual who, to the last hour of his life, laboured for their good, and who now for an instant took the part of the upper classes against them—he meant the late Sir Samuel Romilly—that opinion ought to be received with respect by all parties. What was that eminent person's answer to him when he demanded his assistance, on a similar occasion, many years ago? He requested Sir S. Romilly to afford his support to a Bill which was then pending in the other House of Parliament, to which he (Lord Brougham) was friendly. The object of that Bill was not the restricting the hours during which children should be employed, but was meant for restraining the ages under which children should not be suffered to work in factories; and what was the answer of that great and good man? "I," said he, "will do no such thing as support such a Bill. Can you stop your legislation there? Have you no recollection of other trades? Do you forget the glass-blowers—the coal-heavers

—the steel file-makers, who are inhaling the seeds of pulmonary disease 'from early morn till dewy eve'—the painters, who breathe an atmosphere poisoned by the fumes of white lead—the brass-founders, who handle and manufacture brass in all its forms, and who are in consequence paralyzed by it?" To this he (Lord Brougham) replied, "Do not urge all this—do not prevent me doing what I propose to do, by shewing me other evils which I cannot remedy; and in the case of children who are not their own masters, surely the Legislature may fairly interpose its protection where that protection is shown to be required." Sir S. Romilly, however, replied, "Beware how you proceed in this matter, reflect that Providence has so ordered it—and doubt whether you can interfere satisfactorily. Above all things (said he, and this particularly referred to the employment of children) above all things, beware that you do not introduce something artificial in the place of those parental affections which Providence has, most wisely and beneficially, implanted in the human breast. Beware, lest, in taking this course of legislation, you proceed to stifle, to drown, to extingush those natural affections, which are the real and legitimate support and protectien of children." Some might be disposed to go farther, and others less far in this sentiment than Sir S. Romilly; but he was sure that all their Lordships must admit, that this observation, in both its branches, was one which well deserved attention, and should be received as a warning how they interfered with the workings of nature, and the dispensations of Providence. Nothing is so dangerous as finding an artificial substitute for the natural instincts and affections. The substitute once found, nature will cease to work, and you will soon be aware how impotent an agent you have in place of an all-powerful one. All must admit, all must deplore the wants and sufferings which too many of our working classes endured; but to alter this state of things was an achievement beyond all human power. These things are all the natural consequences of the laws by which society was governed, the natural consequence of that divine ordinance by which man, ever since his primœval curse, became doomed to eat his bread by the sweat of his brow. If any one wished to ascertain whether these miseries were confined to manufactures, let him go into the country—let him view the agricultural districts. He would there see men, inured only to agricultural labour, growing prematurely old at forty, and decrepit at fifty; while in the factories they would find the man of fifty or sixty in a far different condition, in possession of his limbs, and comparatively active. They would then perhaps change their opinions with respect to enforcing restrictions on manufacturing labour. Let them read the most lively description that ever was given of the wretchedness attending an agricultural life and compare it with the manufacturer's lot, and he feared the two things would present a very different aspect. The poet of great eminence, to whom he referred, and who lived in an agricultural district, had described, with all the accuracy of a Dutch painter, what he knew to be the sufferings of an agricultural life; if he had lived in a manufacturing town, he would have had another field to work in, and he would have described factory life as closely as he had done that of the village, and he thought he would have drawn a less highly coloured picture. Now, how far was this course of legislation to be carried? Were they to call on the Legislature to provide so that dropsy should not be the lot of one man in consequence of his exposure to atmospherical changes, or that other complaints arising from their employments should not afflict other men? Or, to come nearer home, would any noble Lord or hon. Member of the other House consent to a law which would prohibit his coachman from driving him or his wife to a party and then waiting for him between the hours of eleven at night and five in the morning, to the inevitable injury of the servant's constitution? Would they consent to repress horse-racing which was carried on for the sake of breeding horses and gambling—he meant no offence by this expression, but he believed the fact was generally admitted—by the introduction of a measure to prevent an infant from being taken at seven years of age and half starved, and whole stunted, that he might be reduced to the condition of a dwarf at twenty, to meet the requirements of the handicap? Was that, he would ask, the course of legislation they were to proceed in? Such, however, was the career which was opened to them by those who exclaimed so much on the subject of factories, and were, as is very customary with all men, extremely prodigal of their own advice and of other people's money. But then, it was said, that the whole system as regarded women was contrary to nature, that they should not be suffered to toil. He believed, in one occupation, it was very unnatural that they should labour; he knew that it was impossible for them to pay proper attention to the nursery, and suckling their own children if they were hired to suckle other people's. And those who read Tansillo's poem might expatiate on the subject. But he would ask how many wives, and sisters, and daughters of their Lordships, and of Members of the other House of Parliament, voluntarily exempted themselves from following what, in this respect, was called the first law of nature? They excused themselves from undertaking that duty because their various avocations interfered with it; not necessary avocations, but mere amusements and pleasures. But they were told that the children of women employed in factories were swept down in scores in consequence of their not being able to attend to them. Now, he conceived that the petition which he now presented to their Lordships bore out a very different view of the case, and in fact proved *de presenti* and *de præterito* all that he had said speaking *de futuro* two years ago, when the Bill to which he had alluded was before their Lordships' House. He could now clearly state, and predict to their Lordships, what the question would be; it was this; whether ten hours' work was to be paid for by twelve hours' wages? If such a principle were adopted, away at once would go the profits of the manufacturers. Those two hours were all important to him. He could not contend with foreigners if he were obliged to give the same wages for a less amount of labour. And let it be recollected, that in France, in Germany, in Switzerland, nay more, in America, where the raw material existed, as well as the hands to work it, no such restrictions were known. It would be impossible for the manufacturer to proceed, without lowering his wages. But some thought that Parliament might interfere—that nothing more was wanting than the wisdom and humanity of the Legislature to reduce the hours of labour, and at the same time, to prevent wages from being lowered in the same ratio as the time of employment was contracted! *O lepidum caput!* if, indeed, any word referring to the head could be applied at all to such reasoners. Was it possible that it could be soberly believed by persons suffered to go about at large, that a man could be forced by Act of Parliament to pay wages out of his own pocket merely for the purpose of keeping other people employed? And if he did not—if he dismissed his hands — was the sight of an idle man starving, more pleasing to humane minds than that of a man at once well worked and well fed. It was argued, that the proposed alteration would be greatly conducive to health. The ability to eat heartily was an acknowledged concomitant of health; but with decreased wages, how was the operative to satisfy nature? Would his situation be at all improved? He firmly believed that those who now maintained the principle of reduced labour would eventually discover their error, and find that the best friends of the poor were those who did not restrict nor interfere with their industry. He was as certain as that the sun would rise to-morrow, that many months would not pass over their heads before men would be awakened to a sense of the follies they were now committing, begin to reflect in good earnest, and find that he was the best friend of the poor who did what he could to help them and did nothing to injure them in pursuit of a vague fantastic theory which his own imagination might have conjured up, or which other men's hallucinations might have inoculated him with. He hoped and trusted that meanwhile no harm would be done to the working people, for whom it was chiefly that he now spoke—to the manufacturer, whose interests were the interests of the working people, and who in fact could have no interests apart from them—and that no page would be added to our Statute Book before it was too late to reflect on the mischief and the misery which might result from it—sanctioning any such pernicious principle (if he so might call it) as that of which he had now deprecated the assertion. Depend upon it, we could not stop here. If we were to legislate for these workpeople, we must for all others. Women in our collieries had suffered much; and he was one who had agreed (reluctantly, and protesting against carrying it further, and predicting those consequences which had happened) to a measure for ameliorating their condition. But there was a spectre which haunted him more than it did the manufacturer; which haunted him as the friend of the labourer, and, above all, of those very children themselves—it was the mischief of Parliament interfering to prescribe how much work a man or a woman or a child should be called upon to endure. Of the two, he protested he would rather have a bill to regulate the rate of wages, and fix a minimum of wages, than a bill to fix a maximum of work. He held the one just as much against all principle as the other; but the first would not produce so much mischief; and it would be entirely nugatory—you could not fix the rate of wages: you might succeed in restricting the quantity of labour; and he solemnly protested against the tyranny of curbing the poor in the exercise of their labour, the use of all the wealth they possessed. Those who said the Legislature could compel employers to give twelve hours wages for ten hours' work did not know what they were talking of, they were utterly ignorant of everything that had any practical bearing on the question. Let them talk elsewhere than in Parliament, and of other matters than these. They were talking of subjects as utterly unknown to them, and of which they were as hopelessly ignorant, as of what was passing in another planet. Humanity—anything that deserved the name of humanity—they had not studied. There were some of the parties who had occupied themselves in this matter for whom he entertained a very sincere esteem, and who, upon other subjects, he believed were well-informed and able men; but he hoped it would be taken as no disrespect when he said, that this only made the matter so much the worse, for nothing did so much injury to a question of public concernment as very conscientious and able men taking hold of extraordinary fantastical notions; they were more dangerous when so occupied even than hypocrites. To show the extent to which the mania for this system of legislation had extended, he would just mention that two Bills had been sent to him, ready drawn up, with a request that he should bring them before Parliament—but which he refused to do—for the relief, as it was said, of two distinct classes of work-people. The one called his attention to the much greater sufferings of sempstresses in London, Westminster, and country towns, working from early in the morning to late at night; fed on an extremely miserable pittance—on bad or second-rate, cheap, indifferent, tea and bread—little or no animal food. These were extreme cases, no doubt—such was not the state of all or nearly all; he hoped in God it was not so, at least. But their wages were low from the vehement competition. Every poor girl who had no rich parents to support her, and who chose conscientiously to lead a chaste life, was a competitor for that kind of work, and the consequences were, naturally, most lamentable. They suffered exceedingly: and the diseases, of which a frightful catalogue had been presented to him with one of the bills (which he should never present, as it was not his duty to present such impossible speculations to their Lordships), the diseases, arising chiefly from their posture of work,—diseases of the digestive organs and of the lungs, were of the most fearful character. The second class, on whose behalf the other Bill had been drawn and handed to him, was the class of workers in brass and steel. But his answer had been, that if Parliament legislated for these and other such cases (for there were other cases even worse) Parliament would become a nuisance to the nation instead of its protector, by the utter disregard it showed to the necessity of man's position in this world, and to that first fact and law of our existence—which he once had occasion, for another purpose, but in favour ef the working classes (for it was against the Corn Laws), to allude to—the law of labour—

> "Continuò has leges æternaque fœdera certis
> Imposuit natura locis, quo tempore primùm
> Deucalion vacuum lapides jactavit in orbem:"

Yes, this was the law of our existence, that man should live by the labour of his arm and the sweat of his brow. It was not fit to repine at it—they might lament it; and they should do all they could to relieve it, nothing to aggravate it; and, therefore, he for one, was against all interference with the free application of human industry. It was no answer against his argument, to say, "Why do you not repeal the Corn Laws?" He did not wish to do the wrong thing, lest he should injure the effect of the right thing. He was against such interference, as calculated to produce nothing but misery to workmen and masters—especially to the workmen; and it was his business to do his best to prevent such grievous error, which, in others, was only a misfortune or a venial fault, but in those who governed would be a crime. Their Lordships being a body eminently Conservative, from their reluctance to enter upon wild and hazardous speculations, it was more important sound views should be maintained and kept up, and applied in practice among them.

The Marquess of *Normanby* said, that he wished to say a very few words on the subject of the prayer of this petition. He did not at all wish to enter at present upon the subject of a Bill which he believed was at present in another House, but of which it was not certain whether it would ever reach their Lordships, or, if it did, in what shape it would come to them. He merely wished to guard their Lordships and the country against being carried away by the eloquence of his noble and learned Friend into the belief that this petition correctly stated the general feeling of the country, and particularly of those interested in the subject, as to the effect of the Act prohibiting the working of females in Mines and Collieries, a Measure which both Houses had, almost unanimously consented, to pass, and which had been brought before the Legislature in consequence of a Commission issued when he (the Marquess of Normanby) was a Minister of the Crown. The Report of that Commission, as their Lordships would doubtless recollect, contained a collection of facts so startling and appalling, as to lead to a general conviction that some legislative interference was immediately and imperiously called for for the protection of those unfortunate females.

Lord *Brougham* said, when his noble Friend talked of protecting the weaker sex from oppression, he just wished to say, that if any case were shown in which women were compelled to labour, legislation would be all very well; but women thirty or forty years old were restrained from labour in the Collieries—a time of life, he thought, when they were quite able to decide for themselves whether they wished to undertake this employment or not.

Petition laid on the Table.

Suicide in a Poor Law Union Cell.] The Bishop of *Exeter* said, he did not mean to trespass long on their Lordships' attention, but he had to submit a Motion in consequence of what had been done by a Board of Guardians in Cornwall. When he moved for Papers relative to Chaplains in Workhouses, there was one Union on which he had made particular remark—that of Penzance—and upon the mode in which the Board of Guardians for that Union had proceeded as to their Chaplain. He had stated that when the Commissioners had, with respect to the appointment of a Chaplain, declared their confidence in the Board, they must have forgotten how far the Guardians had been culpable in a certain tragical case. The Board had, naturally enough, challenged him as having made a statement affecting their character; and he complained not of this as a breach of privilege; he should be ashamed to skulk behind "privilege of Parliament"—in such a case nothing would be more intolerable than the tyranny of that or the other House if any of their Members were to make attacks on absent persons, and then complain of their defending themselves. This case he would state very shortly. The subject of it was a woman whose habits had been peculiar—she having dressed herself as a man and worked as a man; but her character, as far as chastity was concerned, had been good, and there had been much of good in her character. She was compelled to become an inmate of the Penzance Workhouse, where she suffered what she thought injustice and injury, and whence she went out to service, from which, however, she was obliged to return with an order to the relieving-officer for re-admission, which order she presented, but being (as it was said) at the time under the influence of liquor, she was not admitted into the "probationary" ward, but was thrust into a cell called the "refractory" ward, which was, he had been assured, only seven feet square, and which, he had been further told by an *ex officio* Guardian, was immediately contiguous to the "dead-house," in which those who had died in the Workhouse were deposited until buried. The woman had strong superstitious feelings, in consequence of the contiguity of the cell to the "dead-house;" she, therefore, when told she was to be taken into that cell—as being in a state of intoxication (as to which, however, there were different statements), said, "I am willing to go anywhere, but do not put me into that frightful place!" He (the Bishop of Exeter) believed he was correct in saying that the parties had no right, under such circumstances, to put her into that prison,—which, however, they endeavoured to do, and would have done, but that she made her escape and took refuge in the room where she had previously slept—the women's bed-room; she went to bed with one of the women, but had not been long there when the Master of the Workhouse came in, the women being all in bed, and insisted upon her getting up, and going with him to the "refractory" cell. She remonstrated; but as he persisted, she got up, and dressed herself partially, not being permitted to dress herself entirely; she was then driven across the yard (without shoes) to this cell, personal violence being meanwhile employed by the Master, who pushed her so violently that she fell in the yard, and even that was not enough (she abused him, it was true), he thought fit to strike her more than once before he thrust her into the cell, where she was kept all night, not for any offence, but merely because it was the regulation of the house that she was not to be admitted into the house before being examined by the medical officer and pronounced fit for the "probationary" ward. She was the next morning so examined and pronounced fit, and admitted into that ward, where she slept that night, and next morning made her escape, for the purpose of making her complaint to the Guardians; and having got over the wall, which her masculine habits enabled her to scale, she went to a public-house to wait until it should be time to attend the Board; there she had a single half-pint of beer (and the master had on oath admitted that she was not at all intoxicated); and, meeting one of the Guardians, she stated her intention of appealing to them, and implored him to be her friend when she went to the Board. In the anti-room she met the mistress of the house (wife of the master who had so treated her), and that person immediately insisted that she should not see the Guardians; and, though the woman was not then an inmate of the House, ordered her to be taken again to that hideous cell, she entreating that it might not be so, and declaring that the consequences would be fearful—that, in fact, she could not tell what might not be the result—and resisting so that two or three men were required to carry her to the cell, one of them dragging her by the hair of her head and another by her feet; loud remonstrances were made by more than one "man" present, who implored them to recollect her sex; she received some serious and severe injuries in the scuffle, and ultimately was lodged in the cell, the time then being about noon. The master of the House (not then being present) being at his dinner—an hour or two afterwards, a woman came exclaiming "Mary Miller would hang herself!" to which the master replied—"Well, and let her hang!" Now he (the Bishop of Exeter) did not believe that the man seriously meant that, he had no doubt he only regarded it as an idle threat (which he was perhaps accustomed to hear from persons in her position), and he believed, that those words brutal as they were, did not proceed from any indifference as to whether the woman committed suicide; but it would at least show that the master had not the feelings of a man when he thus could speak on such an event being described to him as likely to occur. The master went on with his dinner. A few minutes afterwards another woman came, exclaiming, "Come, or you will be too late. She will hang herself; she has tried it once, and is about to attempt it again!" "I'll stop that," answered the man, and he immediately had recourse to his handcuffs, examined the screws, &c., and while making this investigation a third woman came in, announcing that the poor creature had effected her purpose, and that she was indeed, dead. On this, he proceeded to the cell, and found she was dead. He, then, however, indicated nothing of the feeling that other men would probably have shown. The poor creature was persecuted even after death. They would not allow the ordinary decencies to be bestowed upon the corpse. At the inquest the greater portion of the circumstances he had thus narrated were proved; but the Coroner would not allow evidence to be given of what had led to her great excitement. He said the question was not what was the cause of the act of suicide, but whether she was sane or not at the time. He (the Bishop of Exeter) was not going to find fault with that high judicial officer in the discharge of his functions, and if the Coroner had stated that, he doubted not he had stated it on his belief as to his duty; but the Coroner was one of the Guardians. Subsequent investigations had taken place before the Guardians, in which all the circumstances he had stated were elicted. This was the resolution to which the Board came:—

Penzance Union Adjourned Board Meeting,
October 13, 1840.

"The Board having gone into the case of Mary Miller, and the Coroner having read over the evidence on the inquest, and the Board in addition having obtained every information in its power—Resolved, that the Board does not consider that there has been any punishment inflicted on Mary Miller which has not been entered in the Punishment-book; and with reference to any irregularity committed towards the said Mary Miller by any of the officers, this Board is of opinion, that the statements to that effect are unfounded and untrue, with the exception, that the refractory ward was not absolutely necessary as a place of security in this case on the 29th ult., and that the Chairman shall admonish the governor to avoid a similar use of that ward in future."

An investigation was afterwards entered into under the superintendence of Colonel Wade, the result of which was, that every fact which he (the Bishop of Exeter) had stated to their Lordships was proved. Colonel Wade made his report to the Commissioners in London, and they immediately sent down a peremptory order for the dismissal of the master and mistress, with this remark :—

"Inasmuch, as the excitement of Mary Miller's feelings, which led to suicide, appears to have been the immediate consequence of the unjustifiable violence with which she not being then an inmate of the workhouse, was taken to the refractory ward—*i. e.* the prison."

One might have thought that the matter would have ended there. But it had not. The Guardians had, in the first instance, declined to comply with the order of the Commissioners; they had addressed to the Commissioners a memorial entreating of them to allow the master to retain his place. But the Commissioners had again expressed, and in still stronger terms, their reprobation of the man's conduct, and had peremptorily insisted on his removal. The Guardians had then found it necessary to remove him, but had thought fit to offer him a vote of thanks. Such was the conduct of that Board of Guardians, and it was for such proceedings that he (the Bishop of Exeter) ventured to say that those Guardians ought not to have the confidence of the Commissioners. It was well, he thought that the subject had been brought under their Lordships' notice. The great security which the people of this country had for the tolerable exercise of the enormous powers given to the Boards of Guardians in this country was to be found in the fact that for any gross violation of duty they were amenable to the judgments of that House and of the other House of Parliament, so that their enormities would not, at least, pass without reprobation. Unhappily, however, words were all the punishment which their Lordships could inflict in the instance to which he was then adverting. But those Guardians might, at least, be made to know the sense which their Lordships entertained of their conduct. He believed that if the papers for which he moved were communicated they would prove the truth of every material circumstance which he had stated. He hoped their Lordships would give the country the advantage of having all the facts established upon incontrovertible evidence. The possession of the knowledge which would thus be communicated would be at all times desirable, but would be more especially so at a period like the present, when the attention of the Legislature was about to be called to some measure for amending the Poor Law Act of the year 1834. He should not make an apology for having trespassed on the time of their Lordships, for he was sure that in that case no apology was necessary. The right Rev. Prelate then concluded by moving, "That all communications to and from the Board of Poor Law Commissioners, relative to the case of Mary Miller, be laid before their Lordships."

Lord *Wharncliffe* said, upon the right Rev. Prelate's own statement, the Commissioners had dismissed the master of the Union Workhouse. Three years had elapsed since these things occurred, and since then there had been three elections of the Board of Guardians of that Union; so that it was not likely that any charge could be substantiated against individuals. If the House, under all these circumstances thought that the paupers ought to be produced, he on the part of the Government had no objection to their being produced.

The Bishop of *Exeter* said, if the noble Lord could say that the individuals composing the present Board of Guardians, or any of them, were not the same as those who formed the Board to which he referred, he would not press his motion.

Lord *Wharncliffe* could not speak positively, but he believed that at least one-half of the present Board of Guardians were not re-elected members.

The Earl of *Radnor* observed, that even if all had been re-elected, their re-election was a proof of the ratepayers having been satisfied with their conduct.

Lord *Campbell* observed, if the papers were produced, it had better be for the purpose of their being sent to the State Paper Office, there to be kept for some future historian of Poor Law Unions.

Lord *Kenyon* regretted the noble and learned Lord should have made that observation. He certainly thought it was well that the House should know in an authentic shape the sufferings of this unfortunate person, and by whom they had been caused.

Lord *Campbell* said he had alluded to the length of time that had unfortunately elapsed. If the case had occurred recently it might be desirable that the matter should be brought before them, and that it should be investigated with a view to punish the offending parties. But, after a lapse of three years, any attempt at interference on the part of that House would be useless. The facts were already notorious, they were known to all the world; and it could only be with a view to remove the Guardians that their Lordships could properly be called upon to take any notice of the case. But the present Guardians could not be removed, as they had been elected since the circumstances had occurred. He could therefore see no reason why those papers should be produced.

The Bishop of *Exeter* said that the noble and learned Lord had dealt with the case as if, because it had occurred three years ago, it was unfit to be made the subject of investigation at present. But he begged of their Lordships to recollect what had been the history of their legislation with respect to the Poor Laws during the last three years. During that period the discussion of the subject had been deferred from year to year, in order to afford them a convenient opportunity for taking the whole case into their consideration. They were this year to consider the subject, and he agreed with the noble Lord who had spoken from the cross benches (Lord Kenyon), that nothing could be more desirable than that Parliament should, at the present time, know what were the enormities which were committed with impunity under the present law. He said with impunity, for let them recollect that all that the Commissioners could have done in that case had been done by them. They had insisted on the removal of the master of the workhouse, but they had no power to inflict any other punishment. It was evident that if the cruelty and the inhumanity of the master had been practised in a more secret manner, his conduct would not have been unacceptable to the Guardians. They had even done that which, he believed, no other persons in this country would have done—they had rewarded him with their thanks. He thought it very desirable that they should have such facts before them when they were about to consider the Poor Law Act. It had been said that some of those persons had been re-elected as Guardians, and that that could only take place in consequence of their having possessed the confidence of the rate-payers. After such a statement as that, and after the manner in which his motion had been met, he felt compelled, by a sense of duty, to press that motion. He, therefore, moved that these papers be produced.

Lord *Wharncliffe* said, that he could see no reason for moving for the papers, unless something was to be founded on them. It appeared, undoubtedly, that very gross conduct had been committed by the master of the workhouse, and that the Guardians had supported him; but that the Commissioners had insisted on his dismissal, and that he had accordingly been dismissed. A new election of Guardians had, however, since taken place, and he did not see what motion could, at present, be founded on those papers. If the right rev. Prelate meant to found a motion on them there could be no objection to their production. But he would beg of the right rev. Prelate to consider the inconvenience which would arise from moving for papers for mere curiosity, and for no other purpose.

The Bishop of *Exeter* said that as the facts were admitted he should not press his motion. He should therefore withdraw that motion.

The Marquess of *Lansdowne* said that if the right rev. Prelate had pressed his motion he should have offered no opposition to it; but he wished to advert to a circumstance of recent occurrence. The right rev. Prelate had lately thought it his duty to allude to a recent transaction relating to the present Board of Guardians of Penzance. It would be in the recollection of the House that the right rev. Prelate had a short time since made a statement which involved a very heavy censure of that board, as well as of a clergyman whom they had appointed to officiate in the workhouse. Now, he had no personal knowledge of the matter, but he had been informed by Gentlemen of the highest respectability residing in that part of the country where the circumstances were alleged to have occurred, that the statement of the right rev. Prelate was inaccurate, and that the Board of Guardians had addressed a communication to the Commissioners, in which they justified themselves from the imputations cast upon them, and stated the grounds upon which they considered themselves to be deeply indebted to the clergyman in question, for the manner in which he had during a number of years administered the consolations of religion in the workhouse. The communication which they had thus addressed to the Commissioners contained the vindication as they conceived of their conduct, and he thought it would be but fair that that communication should be laid before the House, as it was written in answer to a statement made to their Lordships by the right rev. Prelate.

The Bishop of *Exeter* said that if the noble Marquess moved for the communication in question, he should most cordially support him.

The Marquess of *Lansdowne* then moved that there be laid before the House a copy of any Communications addressed by the Guardians of the Union of Penzance to the Poor Law Commissioners, relative to the appointment of a Chaplain in the Workhouse of Penzance.

The Bishop of *Exeter* would suggest to the noble Marquess that it would be advisable to enlarge the terms of the motion, by moving, "That there be laid before the House a copy of all communications made to and from the Poor Law Commissioners respecting the appointment of a Chaplain to the poor-house of Penzance." They would then have the whole case before them, and not merely an *ex parte* statement.

Lord *Wharncliffe* thought it would be better that they should have the whole of the correspondence laid before them.

The Marquess of *Lansdowne* said, that he had no objection to adopt the suggestion of the right rev. Prelate. He should, however, introduce a further amendment, by moving for

> "Copies or Extracts of all Correspondence between the Guardians of Penzance Union and the Poor Law Commissioners, relative to the Appointment of a Chaplain in that Union."

It was possible that the communication of the Board of Guardians might contain allusions to the statement of the right rev. Prelate, and to what had passed in that House, which it might be proper to suppress.

Motion of the Bishop of Exeter withdrawn; Motion of the Marquis of Lansdowne agreed to.—House then adjourned.

HOUSE OF COMMONS,

Monday, March 25, 1844.

MINUTES.] NEW MEMBERS SWORN.—Thomas Bateson, Esq., for Londonderry County.

BILLS. *Public.*—1°· Detached Parts of Counties.

2°· Gold and Silver Wares; Parishes (Scotland).

Reported.—Dean Forests' Encroachments.

3°· and passed: Indemnity Bill; International Copyright.

Private—2°· Garnkirk, Glasgow, and Coatbridge Railway; Chester and Holyhead Railway; Swansea Improvement; Paisley General Gas; Ayr Bridge; Southampton Improvement; Blackburn and Preston Railway; Harrogate and Knaresborough Railway.

Reported. — Manchester, Leeds, and Heywood Branch Railway; Edinburgh Cattle Market.

3°· and passed: Beccles Navigation; Severn Navigation.

PETITIONS PRESENTED. By Mr. Strutt, from Derby, and by Captain Rous, from Westminster, Mr. Ord, from Newcastle, and Sir J. Y. Buller, from Honiton, against, and by Mr. Packe, from Hinckley Union, in favour of Poor Law Amendment Bill.—By Lord Duncannon, from Bath, for Extension of Elective Franchise.—By Mr. Broadley, and Colonel Rushbrooke, from 142 places, against any Alteration in the Corn Laws.—By Sir Stephen Glynne, and other hon. Members, from Mold, and 6 places, against Union of Sees of St. Asaph and Bangor.—By Mr. Collett, from Tipperary, for Relief.—By Mr. S. O'Brien, from Derrygalvin, respecting Poor Relief (Ireland) Act.—By Sir J. Y. Buller, from Ottery St. Mary, against Factories Bill.—By Mr. O'Connell, from Miramichi, and other places in North America, and from 61 places in Ireland, for Repeal of the Union.—By Mr. Beckett, from Leeds, and Mr. Mitcalfe, Tynemouth, respecting Window Tax on Licensed Victuallers.—By Mr. Ewart, from Annan, Sir J. Mactaggart, from Tranraer, Mr. Macaulay, from Linlithgow, and Mr. Balfour, from New Berwick, for Alteration of Prisons' (Scotland) Bill.—By Mr. Hume, from Scotland, against Religious Tests for Professors.—By Sir H. W. Barron, from Mary Willdridge, complaining of Board of Charitable Bequests.—By Mr. O. Gore, from County Mayo, for Relief from Poor Rate.—By Mr. G. W. Hope, from Southampton, for a Small Debts Bill.

HOURS OF LABOUR IN FACTORIES.] Sir *James Graham:* Sir, it is now my duty to refer to the Order of the Day respecting the Factories Bill, and I am sure the House will excuse me if, on moving that the Order of the Day be Read, I shall, upon the present occasion and under the present circumstances, venture to trespass for a short time upon their indulgence. In commencing the observations which it will be my duty to submit to the House, I beg leave, in the most emphatic manner, on the part both of myself and of my colleagues, to express that deference which as the servants of a constitutional monarch, we owe to the opinion and vote of this Representative Assembly. I hardly know a duty more imperative than that which is imposed upon a Ministry by the deliberate expression of opinion on the part of the House of Commons; certainly I know but one duty which is and ought to be paramount:—it is this—that no Minister of the Crown, even acting in obedience to the declared wishes of the

House, should make himself responsible for any act or adopt any policy which in his conscience, his sober judgment, and after mature deliberation, he believes to be inconsistent with the well-being and prosperity of this country. I know no other limit to our deference to the House; but this is imposed upon us by our conscientious judgment; and it must be religiously observed. Now, Sir, in the interval which has elapsed since we last met and discussed this question, my colleagues and myself have maturely deliberated on the position in which the question is now placed, and it is right that I should remind the House of what has already occurred. On Monday last, in concert with my noble Friend the Member for Dorsetshire, we took a discussion upon an early part of the Bill, namely, the interpretation Clause, on which was raised the question whether the labour of young persons should be restricted to ten hours or to twelve hours per day. This is almost the question in terms, but virtually it was that upon which the Committee was called to decide, and I, upon the part of Government, contended for the necessity of the maintenance of the existing law, which imposes no other than a twelve hours' restriction upon labour. My noble Friend, with perfect consistency, and persevering in the course, which, on two or three occasions within the last twelve years he has adopted, raised the question that ten hours should be the period to which labour should be restricted. There were two divisions on that occasion. In the first instance, the question was whether the limit now existing should be continued at twelve hours, and upon that occasion my noble Friend prevailed over the Government by a majority of nine. A second division then took place when the proposed limitation of ten hours was affirmed by a majority of eight. Being unwilling that any suspicion should exist, of the House having been taken by surprise, I stated on the part of Government, my intention of appealing again to the Committee on this important matter, upon the eighth Clause of the Bill, in which, but in a more substantive form, the same question was again to be raised. This was the question we again discussed on Friday last, and on that, as on the former occasion, I proposed that twelve hours should be the limit of labour to be imposed upon young persons. Her Majesty's Government were then defeated by a majority of three. My noble Friend immediately, as on the former occasion, proposed in distinct terms that ten hours should be the limit; Government again resisted that proposal, and succeeded by a majority of seven. The effect of these adverse decisions on the Bill, as it now stands, is to place the Bill in inextricable confusion. The interpretation Clause now bears the opinion of the House, that ten hours shall be the limit of the labour of young persons. [Mr. *Hindley:* Ten hours and a half.] If the hon. Member will allow me to make my statement I can assure him that I have no intention to misrepresent the case; if I should fall into an error, he will doubtless correct me when I sit down. Well, Sir, I was stating that the effect of the amendment of the interpretation Clause, which now stands part of the Bill, is to enact that it was the opinion of the Committee that ten hours shall be the limit to be imposed on young persons. But on Friday last, when that proposition was in a more distinct form propounded to the Committee, they negatived the resolution to which they had previously come. These are circumstances which demanded, and which have received, the most attentive consideration on my own part, and upon that of my Colleagues. In matters of this kind it is highly improper to act with precipitation, or to be influenced by any motive which can have the appearance of heat. We have, therefore, deliberated dispassionately, calmly, and carefully; and I am now about to announce the decision of Her Majesty's confidential advisers. Sir, there are three courses which, as it appears to us, are possible in the present state of this affair. Any course to be adopted on the part of the Government must at once be firm, simple, and intelligible, and within these limits there have appeared to us, upon reflection, to be three courses open to us. Since the House has at different times and by different votes affirmed that the hours of labour shall not exceed twelve, and have also affirmed that they shall not be limited to ten—so, it would appear that between these two points there is some third point at which it would be possible to effect a compromise. Now, for the sake of brevity in arguing the matter, I will assume that the period of eleven hours is this possible point. Then there is another course which it is possible for us to adopt; namely, to ask of the House permission to remove from the Order Book this Order of the Day, for the avowed purpose, under these circumstances of not proposing any alteration in the existing law. There is also a third course open for us to pursue, and that is to ask the House to rescind this Order of the Day, in the anticipation and for the purpose of the Government asking leave to introduce a new Bill, comprising such points of regulation as have already received the assent of the House, or as seem likely to meet with its future approbation. Now, with the permission of the House, I will advert to each of these three propositions. In the first place, I think it desirable to recall the attention of the House to the facts which have occurred with reference to this subject since the present Government became the responsible servants of the Crown; and I will remind the House that previous to the commencement of the Session of 1842 my noble Friend the Member for Dorsetshire published a letter, in which he declared that he had ascertained from Ministers, on enquiry, what were their intentions with respect to a limitation in the hours of labour carried on by young persons in factories, and that these intentions were not to depart from the then and now existing regulation imposing twelve hours' restriction. This was on the eve of the meeting of Parliament in the year 1842. But on the 7th of February in that year, my hon. Friend Mr. Stuart Wortley asked me what were the intentions of Government on the subject of regulating labour in factories, and I will ask the House to permit me to read my answer. It was in these terms:—

> "As to the second question which his hon. Friend had put to him, whether the Government intended to bring in any measure for the regulation of labour in factories, he had to state in reply that he had found a Bill in his office which had been prepared, he believed, by the hon. Member for Perth (Mr. Fox Maule), in conformity with the recommendations of the Committee that had sat on the subject; and he proposed to bring in that Bill with some alterations. He might, however, mention, that those alterations would materially affect the regulation of infant labour between the ages of nine and thirteen, as at present by law defined; and it was also proposed to make some alterations as to the regulation of the labour of what were called young persons—that was, persons between the ages of thirteen and eighteen; but it was not his intention, on the part of the Government to propose any such regulation as in some quarters had been strongly recommended, as to the limitation of the time of labour in factories of young persons between the ages of thirteen and eighteen, as some persons hoped, to ten hours a-day."—*Hansard.*

I beg the House to observe that in the first Session of the present Parliament, and on nearly the first day of that Session, I gave the answer upon the subject of factory legislation which I have read to the House. But, in addition to the question put to me by Mr. Stuart Wortley, my noble Friend, the Member for Dorsetshire, asked me, "Whether the regulations he proposed with respect to employment of children between the ages of nine and thirteen were those which had been recommended by the Committee of 1840; and whether I proposed any diminution in the number of working hours in regard to young persons between the ages of thirteen and eighteen?" In answer to this, I declined going into the question, but I told my noble Friend, "That no limitation in the hours of labour of young persons was contained in the Bill." Sir, I have read these extracts, not for the vain and improper purpose of taunting any persons who may have seen cause for a change in their opinions with respect to this matter, but I have read them to the House to show, that as in 1833 and 1839, so in 1842, I, for myself individually, have firmly adhered to the opinion that any limitation of labour beyond that of twelve hours was inexpedient; and on the part of my Colleagues, with their full sanction and authority, when the question was raised last year, I stated that the united Cabinet had also come to a similar determination. It would be needless to pursue the matter further into detail than to state that in the last Session of Parliament I thought it my duty to lay on the Table of the House a Factory Bill containing clauses in which the limitation of twelve hours was maintained; and I will now proceed to discuss the merits of the three possible courses which are open for us to pursue regarding it. And first, as to that of compromise—or the substitution, in lieu of twelve hours as we proposed, or of ten hours as the noble Lord has proposed, a limitation to eleven hours of labour. Now, Sir, I am quite prepared to admit that I do not quite go the length of a high authority, Mr. Burke, who has recorded his opinion, that "Government after all is an affair of compromise," but I do say that on many occasions, the expression of feeling upon the part of this popular assembly forms a ground upon which compromise is not only justifiable, but often expedient. But, Sir, to render compromise either justifiable or expedient, there are two points indispensable. In the first place, the point to be conceded must be deemed safe by those who make the concession; and, in the second place, the settlement effected by the compromise must hold out a fair prospect of being a lasting one. Now, it is with unfeigned and heartfelt respect for the great body of Gentlemen by whom Government have been generally supported, and amongst whose ranks I am proud to find myself, that, looking at this question coolly and dispassionately, I am bound to state upon the part of the Cabinet, that the compromise to which I have adverted, appears to us not to hold out any prospect of utility or to be of itself expedient. I do not wish to argue this matter unnecessarily, but still, for the sake of vindicating myself and my Colleagues, I must touch on some of the prominent topics. I hold, in the first place, that this compromise would be most injurious to the master manufacturers. A diminution from twelve to eleven hours of labour sounds at first like a small diminution, and a trifling matter; but I beg the House to consider, that when it is applied so as to prohibit the use of machinery, it is equivalent to a prohibition of not less than three or four weeks in the year. Now, this is a matter of the most important nature, and since I last addressed the House with reference to it I have received the most circumstantial information from the highest authorities, in the woollen as well as the cotton districts, and I am assured positively, particularly from the cotton districts, where the machinery in use is most complex and expensive, that such a reduction in the hours of labour as would be effected by an eleven hours' compromise, would, when trade is brisk, when the demand is steady, and when an opportunity is beginning to show itself of affording to the master manufacturers a chance of retrieving their past losses in adverse times when the demand was not brisk, and when they, in order to keep their workpeople together, worked their mills at a loss—I say that I am assured that such a diminution of hours of labour at such a time, would touch not only the profits of the factory, but, in the judgment of my informants, it would endanger the continuance of the employment of machinery. I say, that such a diminution of the hours of labour would be highly injurious to master manufacturers, and, in my opinion, the prosperity of manufactures is bound up with the prosperity of the State. But, bound up as is the prosperity of the one with that of the other, I cannot separate it from the well-being and comfort of the labouring classes, and in my judgment the diminution of one hour of adult labour would end in a most bitter disappointment to them. I am quite satisfied—though it would be tedious to repeat the whole argument, and this is not the fitting occasion to do so—I am quite satisfied that in proportion to the reduction of time and labour, must be the immediate and corresponding reduction of wages; and unless the master manufacturers are to submit to an extinction of profits, the diminution of profit must be added to the direct diminution of wages, the reduction of which, notwithstanding the assertions of the hon. Member for Liskeard, cannot, I think, be fairly estimated at less than from 15 to 20 per cent. If it be admitted that a diminution in the number of hours would be most injurious to the masters, that it would also end in bitter disappointment to the workmen, then I ask the House whether it be possible that a measure which will produce two such effects can fail of being other than most dangerous to the country. My own opinion is, and it is also the opinion of my Colleagues, that any measure which would produce effects like these cannot fail of being dangerous in the extreme. In the first place, I am quite satisfied that the workmen are at present labouring under some delusion on this point, and that they do not anticipate such a reduction of wages as I believe would be inevitable were the Measure adopted. What would be the effect of that disappointment? I am sure that they would stand out most resolutely against such a reduction of wages as unnecessary and unjust. We hear at this moment—unless I am much misinformed—that with twelve hours of labour, with a high rate of wages, with an improved state of trade, the workmen are in many places dissatisfied with their earnings. And I have no doubt but that, if we came to force a legislative reduction of wages, the effect would be a very general strike throughout the manufacturing districts—which, in combination with other strikes with which we are now threatened, would lead to the most fatal and dangerous confusion. I must say—and I hope that nothing that falls from me may be construed in the nature of an invidious taunt, because I should ill discharge my duty, and ill testify to the House the feelings by which I am actuated, did anything of the sort escape me—but I must say, dangerous as I conceive the Measure in itself to be, that some arguments by which the proposed change has been supported are more dangerous still. Now, I do not know whether or not to mention the names of the hon. Gentlemen who urged these arguments, but I heard it contended on Friday night that a large diminution of wages would not be detrimental to the working classes. It was said, Sir, that there were moral wages more important than even money wages—that high wages led to immorality and to improper conduct, and that even if wages were greatly reduced, starvation was not possible in this country. These I conceive to be most dangerous arguments. I believe that a large reduction—a forced legislative reduction in the price of the only commodity which the operative possesses—namely his labour—a reduction, too, which I believe to be unjust—would be attended by a great deterioration in the workman's moral character; and that, so far from improving his conduct, it would drive him to despair and involve him in the commission of crime, of which he would otherwise never dream. And it is no consolation either to the Legislature or to the unhappy individual smarting under a legislative loss in the value of the only commodity to which he has an undoubted right (and surely he has a perfect right to the free exercise of that commodity in any way he pleases); it is no consolation to tell him that we will repay him in the moral advantages of his condition for the reduction of his wages, and that there is a poor law in this country which prevents the possibility of his starving. I pass on to another argument, hardly less terrifying and alarming — I allude to the argument, that we have now arrived at a new social state; that we should therefore depart from the fixed principles which have hitherto guided the wisest men of this and every other country, and meet our alleged new social condition by new principles and new schemes of legislation. Hitherto interference with the free market for labour has been considered dangerous, and only to be justified by some very strong reasons in certain cases of exception. That rule is now to be inverted; it is proposed to make legislative interference the general rule, and to acknowledge no limit—not even the necessity of the case—but only the possibility of interfering. If that doctrine is to prevail, it will be much better for the House not to deal with the complicated question of the maximum of labour, but to establish at once the minimum of wages. Sir, a more dangerous course was never suggested for the adoption of a legislative assembly. I must say I have seen within the last eight-and-forty hours the use of a very apt expression upon the subject, an expression to which I am disposed to give my consent. I do not think that it is an exaggeration to say that this is the commencement of a "Jack Cade" system of legislation. Sir, I must just notice one other argument, which I must say fills me with alarm, and that is the argument, that it is desirable to take this step with the view of checking intense competition. Now, competition in this matter, inasmuch as it is the great regulator of produce and price, if coincident with profits, promotes the interest of the community. But I contend that this legislation, so far from tending to diminish competition, must have the directly opposite effect. If the demand in the market be the same, and the work to be done be the same, the inevitable effect of your diminishing the power of executing it, will be that fresh factories must be built and fresh capital must be needlessly sunk in machinery. The sinking of capital is itself no small evil, but if you prevent the running of machinery for twelve hours, the effect will be the shifting of the burthen to the working classes; fresh machinery will be built; needless outlays will be incurred; there will be a fresh demand for the labour of young persons and children; population will be stimulated, profits will ultimately fall, and the condition of the working classes will be permanently and hopelessly injured. According to my views, I would say that I cannot conceive that it ever can be conducive to human happiness to impose limits upon human industry. I think that it never can be conducive to the interest of the State to reduce the profits upon capital—to restrict industry at home—to give premiums upon competition abroad—and to impose penalties upon the employment of machinery, and even on the employment of British capital in manufactures, and yet I think that these results would follow from the adoption of the proposition of my noble Friend. I have now dealt with the first part of the subject—I hope not at too great length. I have stated the reasons which induce me to think—that a compromise even to the limited extent of eleven hours, would be dangerous to the State, and inadmissible in policy. I will now glance at the second branch of the subject of a compromise, namely, would there be a reasonable probability of its permanent continuance. And here I must be permitted to pay a well-merited compliment to the noble Lord the Member for Dorsetshire. He has, in the most disinterested and honourable manner on all former occasions, adhered to the prosecution of this object, which he believes to be indispensable to the well-being and happiness of the working classes. He has excluded himself from power—power, which is an object of such fair ambition to men born in the station and endowed with the talents of the noble Lord. He has made great sacrifices to accomplish that which he thinks right—he has sacrificed that which is far more painful than the surrender of mere ambition—he has placed himself, I will not say in hostile collision with, but in an attitude of opposition to, those political Friends whom he respects and esteems. But it must be remembered that my noble Friend, so earnest and indefatigable a champion of any cause which he adopts, has in the most solemn manner, in speaking and in writing, declared two years ago as well as two months ago, and on Friday last, that he will never rest from his labours until he has obtained a ten hours Bill. Would, then, a compromise of an eleven hours Bill be a satisfactory one? Would even a compromise of a ten hours Bill be satisfactory? I am satisfied the matter would not stop there. Has not the House had the advantage of a direct warning from the hon. Gentleman next in authority to the noble Lord upon the subject, the hon. Member for Oldham (Mr. Fielden) that if a ten hours Bill were to be carried to-morrow, it would be unsatisfactory, and that nothing but an eight hours Bill will satisfy the working classes. But I hold in my hand a more important declaration still. These are the expressions not of the advocates, but of the principals in a cause; here is a declaration adopted no later than yesterday, by a meeting of delegates from the cotton spinners and other factory workers in Manchester; and they state:—

> "That notwithstanding the defeat of Lord Ashley upon the ten hours Bill, a defeat brought about by the official influence of Government, we are resolved never to relax our exertions until a ten hours Bill is carried through Parliament, and that we will avail ourselves of every advantage which the Constitution affords us to bring about such a limitation of the labour of children and young persons in factories."

Now Sir, I say, that as between an eleven hours Bill and a ten hours Bill, were I to think of a compromise, I would say, considering all circumstances, that it would be most wise on the part of Government—on the part of this House, with a view of arriving at some durable settlement—that it would be most politic, most expedient, to go the length of a ten hours Bill at once. I therefore discard any thought of compromise on the part of Government from my consideration. I will now proceed to the second course open to us to adopt, namely, to ask permission of the House to discharge this Order of the Day, with the view of allowing the existing law to remain in full force, and unaltered in any respect. Sir, that would be a possible course—it would be, as compared with a compromise, in my opinion, a preferable course; but still, in the Bill already in Committee several most important amendments of the present law have received the sanction of the House, particularly one, which respects the limitation of the hours of labour of children—that portion of the working classes which forms an exception to the general principle, and is most entitled to the care of the Legislature. With respect, then, to children, a great change has by common consent been made. The duration of their labour, as fixed by law is now eight hours, the Committee have passed a Clause limiting it to six and a half hours, and have also come, with a view to education—and I will not despair of the education of the manufacturing districts—to a resolution imposing the very important regulation, that children shall not work both in the forenoon and afternoon of the same day. I am, therefore, not disposed to throw away the advantages of the new regulation, sanctioned by the Committee, and of those other arrangements contained in the present Bill, to which I anticipate the assent of the House. I am now, therefore, brought to that third course which I stated was a possible one for the Cabinet to adopt, namely, the possibility of the Government withdrawing the present Bill and asking for leave to introduce a Bill, not repealing the existing laws upon the subject, and re-enacting them; but a Bill for the purpose of amending the present law—introducing into it such improvements and modifications as have either already received the sanction of the House, or are still likely to meet with its approbation. That course we have determined to follow. I am bound in fairness to tell the

House, that as we have resisted, so will we continue to resist any departure from the limit of the twelve hours restriction. It is right that I should at once state this distinctly. This declaration may perhaps not appear consistent with that respect which I most unfeignedly feel, and which I have stated that my Colleagues as unfeignedly feel, for the decision of this House; but if we could believe that we have forfeited the confidence of this House—that it was possible to form a Government to give effect to the principle of a Ten Hours' Bill—that principle decided upon by so small a majority; if we believed that all this was the case, then our course would be very different from that which we at present conceive it right to follow. But as the matter now stands—as the House has as yet given us no such intimation as I have hinted at—we conceive it to be our duty not to act hastily, but deliberately to pursue the course which I have indicated as that which we are desirous, and think it most expedient and advantageous to adopt. I am not aware that I have omitted to state anything which my Colleagues wish me to declare to the House. At all events, I hope that the House will acknowledge that I have concealed nothing. I hope, too, that I have said nothing that is inconsistent with the profound respect which I entertain towards a majority of this House, on whatever side that majority may be found. If the House will permit me to conclude with a Motion, I ought, perhaps, to move that the Order of the Day for the resolving itself into Committee on the Factories Bill be read for the purpose of being discharged. If, however, any hon. Gentleman should think that I am taking the House by surprise—if any hon. Gentleman should feel that impression, I shall feel it my duty to ask that the Order of the Day be postponed to Friday, for the purpose of giving the House time to consider what course it may be advisable to pursue. I move that the Order of the Day for the House resolving itself into Committee on the Factories Bill be now read.

Lord *Ashley*: Mr. Speaker, I think there can be no doubt that the most reasonable course for the House to take, will be that which has been suggested by the right hon. Gentleman, namely, to allow the House until Friday next to consider its determination. I, for one, have certainly been taken by surprise, and although my own resolution as to the eventual course which I shall pursue has been in no way shaken, yet I own that I am at present undecided as to the course, with regard to this Motion, which it will be best for the House, and most prudent for myself, to adopt. It is, Sir, totally unnecessary for me to follow my right hon. Friend through the whole of his able statement. The question has already been fully discussed. Everybody has made up his mind on it, and not only has the discussion been ample, but, let me emphatically remark, the whole matter has been most solemnly decided. This great assembly, in their successive divisions, has affirmed the principle that twelve hours' labour is not to be endured; and, therefore, whatever opinion we may be called upon to pass next Friday, I do make to the House a solemn appeal to stand by its decision, and to uphold its recorded verdict. Upon that verdict, upon that decision, I take my stand, convinced, as I said before, that it is not necessary for me nor for any other person to deal with the subject by further argument. I must, however, before I sit down, express my regret that the right hon. Baronet, the Secretary of State, should have introduced into this discussion observations of a character which were carefully excluded from the previous debates upon this subject. I deplore that the right hon. Gentleman should have thought it necessary to go out of his way in order to describe the present Motion as "the beginning a course of Jack Cade legislation." However, Sir, I am not ashamed of, nor will I repudiate the title. Let me ask the House what was it gave birth to Jack Cade? Was it not that the people were writhing under oppressions which they were not able to bear? It was because the Government refused to redress their grievances that the people took the law into their own hands: and I tell the right hon. Baronet and those with whom he acts that, if they take not better care, this will be the effect again; and that, when they designate the people they oppress as rebels, with a Jack Cade for their leader, they are only, in my opinion, adding insult to injustice. As, however, the right hon. Gentleman has said that he will postpone the further consideration of the question until Friday, I will not detain the House any further at present. I have only to repeat, what I said at first, that this question has been most solemnly decided: on the decision of the House, three times recorded, I take my stand; and, as I shall never depart from the course I have adopted, so I trust none of those who voted with me will be found to depart from their solemn and recorded opinions.

Viscount *Howick* thought that the House could not with fairness and propriety decide upon the question at that time. But what was the course the Government was now proposing to adopt? They were told by the Government that they would not listen to any compromise. They would neither adopt a ten nor eleven hours' Bill, notwithstanding their own inspectors had told them that twelve hours' labour was more than ought to be borne. The evidence of the highest medical authorities went to the same effect, and yet the Government told them they would allow no reduction. What did the Government intend to do? They had been defeated on this Clause, and how did they propose to take the decision? Why, they took the extraordinary course of saying to the House, if you choose to regulate labour to a greater extent than we approve of, then you shall not regulate it at all. That was what the Government presumed to say to the House. At the present moment, let it be recollected there was no check at all on the labour of women. The inspectors appointed by the Government had reported that a check was absolutely necessary—that women, who were not, in fact, their own master, required and should have the same protection as children. Well, the Government said they would regulate this labour by confining it within the limit of twelve hours—the House said they would confine it to ten hours—and then the Government said to these females, and to the House, you shall have no limitation nor regulation at all. He now suggested to his noble Friend, that the course he should take on Friday night should be to resist the discharge of the order. If he allowed the Bill, which had now made such progress, to be withdrawn, what would be the effect? The Government would introduce a new Bill still more objectionable in the shape than the one now before the House—the noble Lord would have to repropose his Clause, and if it were carried again, the Government would drop the Bill. If the noble Lord meant to persevere, let him persevere on Friday next—if he is to have difficulties to encounter, rather let him meet them in the first instance than in the last. Let them go on with a measure in the shape in which their legislation might have some effect, rather than postpone our efforts until the lapse of time brought them to the close of the Session without any result, and if they were to carry out their hostility against the Government, let them act now rather than when the original proposers might be anxious to abandon their measure. He put this for his noble Friend's consideration, and at all events, when the motion was made to discharge the order for further considering the Bill, he, if he stood alone, would say "no" to it. Before he sat down he must say that the right hon. Gentleman had, from inadvertency or some other cause, misquoted in so remarkable a manner the arguments of the hon. and learned Member for Liskeard as well as those which he (Viscount Howick) had used, that he could not, even with the certainty of future discussion, allow it to pass unnoticed. The right hon. Gentleman, obviously alluding to what he had said, remarked that the supporters of the Amendment were actuated in their proceeding by a sense of the intense competition that prevailed. That was not his argument. He did maintain, it was true, that intense competition was at the bottom of the evil, in consequence of the field of employment being too much restricted. He urged that they could not get rid of the evil, or go to the bottom of it, unless they were resolved to give a wider scope to that capital and labour which were now hedged in; but, he added, though they could not remove, they might palliate it. He further pointed out that the intense competition acted in this manner: it gave the power to one or two individuals to adopt and enforce a system of conducting great branches of manufacture in a manner to which the wishes of the majority of employers were strongly opposed, but that such practices, once introduced, gave so great advantages over competitors, that all, or nearly all, were compelled to adopt them. He said this, at least, was in the power of the Legislature, to restrict modes of carrying on labour which the parties engaged in are themselves disposed to object to. He expressed his belief, with reference to this system of twelve hours' labour for women and children, it was one to which the majority of those obliged to submit to it were strongly opposed. He believed it was their wish, knowing that some effect on their wages must be produced by the change, though not to the extent stated by the right hon. Gentleman, that their wives and children should be protected from an amount of toil which the Government Inspectors, Medical Officers, reported in the paper laid on the Table, was more than they should be required to perform. In the same manner, he asked those who listened to the very able speech of the honourable and learned Member for Liskeard, whether his argument had not been perverted? His hon. and learned Friend stated which he (Lord Howick) believed to be perfectly true, that they had left these parties too long to themselves. He was not going to debate that point now; but the right hon. Gentleman was evidently of the same opinion, because when he talked of this as a question of principle, he (Lord Howick) asked in what respect? It was no question of principle between the Government and those who supported the Amendment. One proposed to regulate the hours of labour as much as the other. The right hon. Gentleman said he could not conceive how it could benefit industry to limit the field of employment. He wanted to know, did not the Bill do this as much as the Amendment? Women were now frequently worked fifteen hours. [No.] Yes; it was so when trade was brisk, and there was a great pressure. [Mr. *Ferrand*: they are frequently worked eighteen hours.] Well, at all events, the right hon. Gentleman proposed to reduce the number of hours to twelve. He, therefore, "placed a limit to human industry." He admitted the limitation should be kept within as narrow bounds as possible; but he thought the result of inquiry had demonstrated that they could not trust so implicitly as some imagined to men, acting for their own interest, in devising what was best for themselves and the community. That this was so, was abundantly proved by the state of the dwellings of the poor, by the neglect of draining, and by the total absence of all proper sanatory and police regulations. The principle of interference with private property was one acted on every day, when any new public work was determined on. In the present artificial state of society, it was impossible to dispense with public regulation.

Mr. *Brotherton* felt great regret at the announcement which had been made by the Government. He had hoped that, seeing what the feeling of the House was, they would have proposed the medium of eleven hours; and such a proposal would, under the circumstances, have met with cordial acquiescence. It was very easy to say, that eleven hours would not satisfy popular demand, inasmuch as the hon. Member for Oldham declared that he thought eight hours would be work enough; but the truth was, if the change were now made in a proper spirit, agitation might continue, but no feeling in favour of it could be excited. He could not find fault with Government for expressing a strong desire to uphold our manufactures; but their apprehensions were wholly unfounded. We could all recollect when mills worked night and day with water power. That system ceased, yet no ruin ensued. The eleven hours was the time worked in silk and woollen mills already. Why not adopt the same change in the cotton mills?

Captain *Rous* congratulated the House on the present prospect of getting rid of this Bill. He had risen three times on the last night's debate, without having had the good fortune to catch the Speaker's eye, when he intended to have condemned the policy which interfered with self-government; and not only that, but also the unwarrantable interference with private establishments. For that reason he did not vote on the first debate; but on the last occasion, when it appeared to him it was a sort of party question—when he heard that Gentlemen, who voted for ten hours, acted in the spirit of party, it became his duty to vote for the twelve hours, because it appeared to be the lesser evil. To the Bill now before the House he objected in every sense of the word. Whoever had drawn up this Bill must have been totally ignorant not only of the feelings of the master-manufacturers and of the workmen, but of the system which was carried on in their districts. One of its provisions was, that persons sixteen years of age should be examined by a surgeon. We had heard to-night of Jack Cade, but he believed that the tax collector who had been destroyed by Wat Tyler, for taking liberties with his daughter, did not venture to assume the power which this Bill attempted to assert. It would be impossible to keep up our large establishments, if the master manufacturers did not, instead of dissipating their capital in idle pursuits, spend it to the extent of hundreds of thousands in promoting the prosperity of the country. In all such cases as the present, he placed himself in the situation of those affected by their legislation. Now suppose the House of Commons ordered him to give his servants eight half-holidays in the week, he should at once meet such a demand by saying, "I'll see you somewhere else first!" If a servant asked him for leave of absence on any urgent occasion, in all probability he should give it; but if the House of Commons said, "You shall do so," he should do the very contrary. He supposed the master manufacturers, who were high-minded men, felt as he should with regard to this intermeddling by others in business that did not concern them. He appealed to any Gentleman who had travelled in other countries, whether the moment Government interfered in private concerns, its withering hand did not paralyse every effort to attain success, and from that moment prosperity ceased. Let them look at such countries as Sweden and Prussia, where the people were so well educated that only one out of 377 could not read and write, and where even the children of prisoners were sent to school; and yet such was the deteriorating effect of this eternal intermeddling, that, according to Mr. Laing, there was three times the amount of crime there to be met with as in the same numbers in this country. Governments had quite enough to do to look after their own business; and if our present love of espionage were indulged, in three years this land would become a horrible desert. They must reduce the hours of labour from ten to eight, and no one could say where a limit was to be placed, if this spirit of legislation were once encouraged. The right hon. Secretary for the Home Department said, he did not anticipate that any Administration could be formed, with the noble Lord Ashley at its head, to carry a ten hours' Bill. God forbid there should. The noble Lord would make an excellent Archbishop of Canterbury—but speedy must be the downfall of this country if he ruled its destiny. What was the usual course of their debates? The noble Lord gave a horrible picture of the working-classes in the manufacturing districts. His hon. Friend behind him (Mr. Ferrand) abused the manufacturers in the most extravagant language, and said they treated their men worse than dogs. [Mr. *Ferrand:* "No, no."] He was not very particular about the words—but that was the hon. Gentleman's opinion. Well, the manufacturers very properly rebutted this accusation, and said the agricultural labourers were treated worse than dogs again. What was the effect of all this, but that when the poor man returned home after his twelve hours' work, and took up the newspaper to find a little comfort before he went to bed, he suddenly discovered he was a most ill-used, despicable being? Such a dose of these debates could not prove a very good soporific. Was it not quite enough for a man to have drawn a blank in life, without having his mind embittered by perpetual railings against the atrocious policy of those who ruled over him? He had spent many years of his life out of this country, and whenever he returned, he blessed God that there was no country in which the poor were better looked after by the rich, and in which there was such a fund of friendship, hospitality, and good feeling amongst all classes. There was no country, too, in which the labourers displayed so much good common sense as in this; and if they did not, the speeches of the noble Lord and others would have long since driven them mad.

Mr. *V. Smith* felt called on to correct some misrepresentations of the right hon. Gentleman rather than postpone his vindication to Friday. He was surprised that the right hon. Gentleman had not on Friday given an answer to the speeches on which he commented to-night. He was still more surprised at his adopting a description from a paper conducted with great ability, but not of the same politics as the right hon. Gentleman, at least since his accession to the present Administration. He neither uttered the words attributed to him by the right hon. Gentleman on the night when he spoke, nor did he see them adopted in any newspaper report which he had read. The right hon. Gentleman had said, that he contended that the Poor Law would be the resource of persons turned out of factories, and also that high wages were productive of immorality. He was anxious on that occasion, as he hoped he always was, not to detain the House long, and to get quickly over what he had to say, when he was interrupted by his hon. Friend the Member for Sheffield—he hardly knew for what reason—who asked him how these persons were to live? To that he answered immediately—off hand—that certainly they could not starve. But he was the furthest possible from intending to say, what that hon. Gentleman now represented him as having said, that the Poor Law was to be their only resource against not being able to find employment; but he contended that that law, though he might not approve of it entirely, did serve as a provision for the poor, to prevent their being ground down below the possibility of finding the lowest sustenance. He then proceeded to argue, that the effect of a restriction of labour would be, that the working classes would have steady wages, and in addition to those wages, some leisure to themselves; and he said, that he thought it better they should have moderate wages with some portion of time to themselves, than extreme wages, without any time for recreation, whether of body or mind. He was prepared now, and ever should be, to contend, that it would be better for them to be in that position. He was saying when he was received with ironical cheers, that high wages were occasionally accompanied by immorality, but of course, he added, that he did not mean to apply the word high in this sense, to steady wages regularly earned, but to occasionally high wages received at periods when the demand was very great and excessive labour consequently in use on the part of the workmen. What he meant to say was, that overwork, with disproportionate wages, was often productive of immorality. The reason was obvious; overwork produced exhaustion and a craving for excitement, which led to immorality. He was speaking then only his own opinion; not having read the Reports, he had nothing at that time to quote, but he did not wish to trouble the House with statistics. He had since taken the trouble to read the Reports, and he might refer, in confirmation of his views to the second Report of the Children's Employment Commission, where it was stated that it was common to find men working almost to slavery on three days of the week, in order that they might be enabled to be idle, and often intemperate on the other three. Now, was not this exactly what he had meant? Three opinions were given in this Report, which expressed exactly the opinions he had endeavoured to state. There was that of the rev. Mr. Gilmour, minister of the Reformed Presbyterian congregation of Greenock, who said that high wages tend rather to encourage intemperance than to promote comfort among those receiving them. The sawyers of that town who got high wages, were also intemperate. Mr. Williamson, the procurator fiscal of the same place, said the high wages paid for work very laborious were apt to make workmen dissipated. Over exertion required corresponding periods of idleness, to which the boys were also accustomed. Mr. Hall, of Wolverhampton, said, in a conversation which he had with an employer of a great many workmen, he learned that those who had high wages were often drunkards, not for three days only, but all the week. Though he might not have guarded himself with sufficient care against misapprehension, he contended that he had used the word high in its legitimate sense, and he must continue to think that accidental high wages were not so beneficial to the workman as constant steady wages not accompanied by labour continued during so long a period of the day; and although he did not use the word, he was prepared to adopt it —that they would also be more acceptable to them than higher wages occasionally received, which were attended with injurious effects. But as for what had been put into his mouth by the right hon. Gentleman, he utterly rejected the absurdity of it, and must complain of the iniquity of imputing to him that he had any wish to reduce the working classes to dependence on the Poor Law. Whence the right hon. Gentleman derived this version of hi speech, he was at a loss to imagine. The right hon. Gentleman could not have stated it from recollection of his speech for he had not been present in the House at the time. He would only add that he regretted very much that the right hon. Gentleman had taken the course which he now stated it was his intention to pursue. He had hoped the right hon. Gentleman would have taken the first course suggested, of proposing an eleven hours Bill. He believed that proposal would have been perfectly agreeable at the time; and when the right hon. Gentleman said his noble Friend held out such a menace of perseverance that he could not hope to mitigate his opposition, he thought his noble Friend might reply that some of the right hon. Gentleman's assertions had made a compromise impossible on his side, for he did not think that the right hon. Gentleman could pretend to say, with any shadow of reason, that one hour's diminution of labour would be the ruin of the whole country. He could only assure the right hon. Gentleman and the House that, from the long experience he had had of the character of his noble Friend, he believed throwing over the Bill would by no means mitigate his opposition, and that he would persevere in his endeavours. He believed his noble Friend would do so, if he knew that he was striving in a good cause, against both the Government and the people of England, and he would probably not the less do so when, as in the present instance, he was only acting against the Government, and was backed by the wishes of the whole people.

Sir *James Graham* said, he hoped the House would permit him to offer two or three words in explanation after what had fallen from the right hon. Gentleman. The right hon. Gentleman had said, that he (Sir James Graham) had put words into his mouth. Nothing, he could assure the House, was so far from his intention, and in order to avoid any thing in the shape of a quarrel when he referred to what had fallen from him, he did not point the allusion by a personal reference to the right hon. Gentleman. With respect to the accusation that he had put words into the right hon. Gentleman's mouth, he had by him the note he took at the time, which was to the effect that " no men could starve in this country, and that high wages led to vice and immorality in the manufacturing districts." He found that this was borne out by the report of what had fallen from the right hon. Gentleman; so that it appeared that both the Reporter and himself must have misunderstood the right hon. Gentleman, if he had spoken on the occasion referred to as he had now explained himself. In the *Morning Chronicle* of Saturday, the right hon. Gentleman was reported to have said, " It might diminish wages to a certain money amount, but he was prepared to make up for this by giving an additional hue of health to the people, and rewarding them in moral wages, which would be of more value to them than money itself." Then the interruption took place to which the right hon. Gentleman referred. An hon. Member asked, " How were they to live? His hon. Friend asked, how were they to live" [" *Order.*"] If he were pronounced to be irregular, he would bow at once to the decision of the Chair; but when one Member charged another with putting words into his mouth, which was the expression used by the right hon. Gentleman, he thought it was only demanded by fairness that he should be allowed to vindicate himself from the accusation. If the right hon. Gentleman said he had been misrepresented, he was bound to believe him; but in that case both himself and the Reporter, whose account tallied exactly with what he had stated to the House when he last addressed it, must have have been deceived; though of course the right hon. Gentleman was entitled to the fullest credit for what he had stated.

Sir *R. Inglis* did not rise to anticipate the discussion on this question, but he did wish to address a question to his right hon. Friend at the head of the Government, not as a taunt, but in a friendly spirit—with respect to a phrase hazarded in the House by the right hon. Gentleman the Secretary for the Home Department, who had referred to what " I and my colleagues had done"—to the deliberations of the Cabinet. The right hon. Gentleman stated there were three courses open to Her Majesty's present confidential advisers, and that, on the whole, after full deliberation, without heat, and with entire possession of their tempers, as well as their faculties—they had come to the resolution to recommend to the House the course stated by the right hon. Gentleman. Now, he wished to ask his right hon. Friend at the head of the Government, whether it were the form of the Minute of the Cabinet, or whether it were to be taken as the deliberate opinion of Her Majesty's present confidential advisers, that in respect to ninety-seven of those who ordinarily supported their measures, it should be alleged in this House, with their united sanction, that such supporters had concurred in a course which the right hon. Gentleman had ventured to call the commencement of a system of Jack Cade legislation. He sincerely believed he was giving his right hon. Friend at the head of the Government an opportunity, of which if he were wise, he would gladly avail himself, to disown the application of that which he must call—he would not apply any epithet to it, because he would not provoke an angry feeling. He asked the question in order to ascertain whether the head of the Government adopted the phrase.

Sir *J. Graham.*—I certainly did use the phrase [*cries of* " spoke."] With submission, Sir, I consider that I am entitled to give an answer to the question which has been put to me by the hon.

Baronet the Member for the University of Oxford in so friendly a spirit. Notwithstanding the friendly tone, the hon. Member for the University of Oxford has contrived to make his question cause as much pain as he could. The hon. Member was well aware when he put his question, that the language in which I addressed the House was not that which was dictated by my Colleagues, but that the expressions which fell from me were those in which I chose to convey their determination, and my honest impressions to the House—and he was also perfectly aware that no one could be responsible for them but myself. The hon. Member for the University of Oxford must also have been aware that the expression to which he referred was not used as my own language. I stated distinctly that it was an expression which I had met with in a particular newspaper—that I had seen it within the last forty-eight hours—and I stated further, that as an individual, I was perfectly willing to give my assent to it, and adopt it. I do think that the House has adopted a system of legislation which may be so designated, but I utterly disclaim the idea that when I used the expression I was speaking the language of my Colleagues. I do trust that when my hon. Friend—if he will allow me to call him so—I trust that, with his kind and friendly feeling, my hon. Friend will not carry an expression which I used in the heat of debate one step further than it was intended by myself.

Sir *R. Inglis* certainly had known his right hon. Friend so long, that if he were willing to call him by that title, he certainly would be very unwilling to renounce the privilege; and he said this in a cordial and friendly spirit. But his right hon. Friend would excuse him for saying that his question did not refer to the imagination, memory, or judgment from which that expression proceeded; but simply to the point, whether the right hon. Gentleman at the head of the Government had adopted it.

Mr. *Bernal* was not going to discuss this wide subject on the present occasion, because Friday next would be the proper time. Though he could bear out his right hon. Friend opposite in the statement that in the phrase "Jack Cade legislation," he referred to something which had appeared in a newspaper, he had yet heard nothing from him which could induce him to suppose that he did not affiliate, if he might say so, that term. With respect to the Bill of the Government, he also might claim for those on that side of the House who voted in union with the Holy Alliance on that occasion, the repudiation of any right to be saddled with the name of Jack Cade. All he could say was, if they merited the title of Tylers and Cades, the right hon. Baronet was himself implicated in it, as had been well adverted to in argument again and again. The introduction of the Bill itself was in fact part of that system. The Government had certainly oiled the hinges of the door which was to open on them, and let forth a flood of all that was bad in political economy. It ought not to be forgotten that the initiative had been taken four years ago, nay much earlier, when the Legislature interfered to give protection to parish apprentices. They had been successful thus far, because they had gone step by step, and backed by the feeling of the public at large; and when the sympathies of the public were enlisted in a cause, he defied them to find any political specific which would enable them to stand successfully against the public demands. It would be bad taste and bad policy then to enter further into the discussion, but he would strongly advise his noble Friend (Lord Ashley) to pause before adopting the advice tendered him by his noble Friend on his right, the Member for Sunderland (Viscount Howick). Having voted sincerely with his noble Friend, he hoped he should be excused from saying he rather dissented from the advice. The noble Lord should not encumber himself with such a Bill as the present; it would be like a mill-stone round his neck. It would be quite impossible for him to carry the Bill forward; if he attempted to do so, he would find himself entirely led by contradictions, inconsistencies, and absurdities, at every step he took, and at the end of his exertions, he would not find that he had approximated to his object in anything like the same degree as at the present moment. He would also venture to tender some advice to the right hon. Gentleman. He would ask, did he think he had found a resting place for peace and quietness? After the advice tendered by the Commissioners of the Factory Inquiry, that he must legislate and diminish the labour of adult women, did the right hon. Gentleman think that the nation would be satisfied, that the manufacturing operatives would be satisfied, that the noble Lord would be satisfied, by merely bringing in a Bill to regulate the labour of young children, and the mode of giving medical certificates? He would tell the right hon. Gentleman it was impossible to rest here, and he saw no promise of peace in this determination. His noble Friend would, of course, move, during the progress of the Bill through the Committee, to insert his clauses, and if the title of the new Bill should not warrant the formal introduction of those clauses, they all knew how easy it would be for the noble Lord or any other Member to move an instruction to the Committee to facilitate that object. He pressed the noble Lord to pause for consideration, because he saw that he had listened to the advice of the noble Lord the Member for Sunderland, and he bitterly feared at that moment that he was about to throw himself into a gulf of confusion in which he would be lost without a hope of safety.

Viscount *Sandon* wished to put a question to the right hon. Gentleman at the head of the Home Department. Did he understand the Bill, now to be introduced, would contain new regulations regarding female adult labour?

Sir *J. Graham* said, the question put to him by his noble Friend was most important, and one to which he could at once give a decided answer. He had stated, if the House would permit him to withdraw the Bill now under consideration, it would be his duty to ask leave to bring in a Bill not to repeal and re-enact all the existing laws, but to alter and amend the existing law, and that it was his intention to introduce, or to propose rather, such amendments in the existing Bill as had already received the sanction of the House, or as he had reason to believe would meet with general approbation. Immediately before the discussion as to the periods of ten or twelve hours, the House had been called to consider as to the introduction into the Clause of the words "adult females," on which the right hon. Member for Northampton had raised a question—nay, even a debate as to the propriety of that limitation of female labour. He conceived that virtually the House had adopted that limitation, and certainly, it was his intention, in the Bill he should ask leave to introduce, to include a provision as to female adult labour—that no female should labour in a factory for a longer period than twelve hours in any single day.

Mr. *Hindley* exceedingly regretted the course which Government had adopted on this occasion. He thought the Secretary for the Home Department had signified his intention to bow to the decision of the Committee on Friday, and that he would have come down prepared to propose that the blank should be filled up with the word "eleven," and give them an eleven hours' Bill. He earnestly entreated the Government to reconsider this subject before Friday next, and to deliberate whether they should not propose a compromise. It could not be supposed for a moment that Government had settled the qeestion. He would tell the right hon. Baronet at the head of the Government that he was responsible for the course he was at present taking. He would advise the working classes to abstain from anything illegal or contrary to the principles of peace and good order, but to persist in their demand, and they were certain of success.

Mr. *Ferrand* merely rose for the purpose of noticing a remark made by the Secretary of State for the Home Department, when he said that all the parties who supported the ten hours' Bill belonged to the "Jack Cade" party. He understood the right hon. Baronet had adopted the expression; if he retracted it, of course he had not another word to say.

Sir *J. Graham* said, perhaps it would be better he should explain the expression he had used. He had ventured to assert that the arguments by which the Measure was supported appeared to him more dangerous than the Measure itself; among others which appeared to him more peculiarly dangerous was this—that we had entered on a new state of society, and that a new system of Legislation was necessary for that state of society; that so far from interference being the exception, we had arrived at a point where it should be general, and that there could be no limits to it except those of possibility. He went on to state that such a system of Legislation appeared to him to be fraught with danger; that he had seen the expression of "Jack Cade legislation" applied to it, and to that expression he was prepared to assent. He objected to the system as one of general interference, but he had certainly not intended to use any expression offensive to any individual of that House, much less to a majority.

Lord *J. Russell:* I rise chiefly for the purpose of begging my noble Friend who brought forward this Question, and who has conducted it hitherto with so much ability and discretion, to take seriously into consideration the course he shall think best to adopt. I am not about to counsel him to take the advice of my noble Friend near me, the noble Member for Sunderland, nor that of my Friend the hon. Member for Weymouth. It is not for me to advise him as to what course he may think fit to adopt. The Question is a very grave and important one, and it is hardly necessary for me to say that I hope he will give it deliberate attention before he states to the House the course he thinks fit to adopt. I am not much moved by the right hon. Gentleman's charge, belonging to me as one who voted for the noble Lord's proposition, of having commenced a system of Jack Cade legislation. I do not feel peculiarly that charge, but I certainly do not wonder that his hon. Friends, the Member for the University of Oxford and others, who have generally prided themselves on maintaining the most Conservative principles of any Gentlemen in this House, should feel hurt at the application to them of an expression which seems to imply that nothing but the most reckless revolution is the end at which the Legislature of the day professes to aim. But with respect to the justice, either of that phrase or of the general statements contained in the right hon. Gentleman's speech, though I may have another occasion on Friday to speak of it, I cannot avoid saying that I must protest against it. I conceive that the general principle by which legislation on these subjects should be guided has been already departed from by all parties, by the Estates of the Realm themselves. What more general principle could we acknowledge than that which tells us that children should be left to the care and affection of their own parents, and that these ties are sufficient to protect them in their nurture and education, and from any ill-treatment by which their health might be destroyed? Such is the general principle which the Legislature should be bound to respect. But have we kept to that principle? No; we have thought it necessary to depart from it, with respect to apprentices in factories, so early as the commencement of the present century, and with the sanction of a person whose name carries the authority that belongs to a man who acquired great wealth by honourable pursuits, and applied it with benevolence and generosity. Under such authority, this system of legislation was commenced. That principle was again adopted in 1833, with the sanction of the the right hon. Gentleman opposite, of whom I had then the honour of being a colleague. But there is another principle which is as sacred, although a totally different one. That principle is, that all adults should be perfectly free to dispose of their labour and industry as they please, that they should make whatever bargains and contracts they will with respect to the extent of their labour, and the remuneration they are to receive for it. Are we bound to that principle? Why, the Government themselves—the present Government—have departed from it in the Bill before the House; and inconsistent as I am, and admit myself to be, they too, have been inconsistent with regard to their conduct since last year, because if there had not been other matters which deferred the consideration of the Factory Bill last year, there would have been, probably, a Bill passed with their sanction, which did not contain the principle of interference with adult labour. For the right hon. Gentleman now to say there are two parties, one wishing to adhere to the rigid principle by which there shall be no interference with industry, and that the others were attempting to carry through a mischievous Jack Cade principle of legislation, to which he, and those who vote with him are opposed, is stating the question in a totally different manner. I confess I do not think I should have been a party to introducing a Bill which interfered with the labour of adult females; but when it is introduced with the authority of Government, supported by the reports of of inspectors, and meets with the general concurrence of the House, certainly I will not undertake the responsibility of objecting to a Bill containing that principle, though I might not myself have introduced it. But with respect to the question on which we shall have again to pronounce a decision when it comes before us, it is merely this, whether you should protect young persons by reducing their hours of labour from twelve to ten. That involves the question whether young persons of twelve or thirteen are injured by such an amount of labour. I think it is generally admitted that such an amount is injurious to the health at that age, even by those who opposed the Motion of the noble Lord. The next question is, supposing it admitted that it would be beneficial to the persons whom the Legislature wishes to protect, that these hours should be diminished from twelve to ten, whether it is possible, consistently with their receiving a due amount of wages for their labour, and consistently with such profit to the manufacturers and capitalists as will maintain the industry of the country, and thereby give employment and content to the great working population of Lancashire and Yorkshire, to make such a diminution in the hours of labour? This is another question, on which, as I conceive, there arises a great difference of opinion. Government maintains it is not possible but that employment will be diminished and wages will fall, so as to excite discontent and dissention between masters and the persons they employ, and thus, the end would be a great lessening of employment, to the injury of the classes whom it is proposed to benefit. Though I give Government full credit for coming to a conscientious opinion on the subject, and for taking every means in their power to arrive at a correct decision, I think, on the other hand, they must allow those who differ from them on that subject, and think it possible to give protection to the industrious classes without injury to commerce, to maintain another conclusion—that they should allow this opinion to be fair matter of discussion, and not object against those who hold it, that it is a principle totally unheard of and extravagant, or that there is anything in it revolutionary, or at all resembling tumultuary or mob legislation. I hope I have not said anything to add heat to the discussisn. On Friday I shall wish to apply myself to this grave and important question. The noble Lord will, I doubt not, pursue the course he has adopted; I only hope he will adopt some mode of giving us early information of the results of his deliberation as to the best mode of carrying out his views.

Mr. *Hume* said this was a most important subject. When want of employment was the great evil to be contended with, it behoved the Government to take care not to narrow the field of labour. He believed that the measure of the noble Lord, brought forward as it was with the best motives, would be productive of the greatest possible evil upon the very persons it was designed to benefit. The course adopted by the Government gave time for deliberation. The divisions of last week had taken the country by surprise. Upwards of twenty years ago he had heard the opinion of the manufacturers expressed upon the point, and he knew of nothing that had since altered it. He would refer the House to a resolution which had been adopted by a Committee, differing as much as the House differed now upon the subject of combination of the working-classes. That Committee was waited upon by Deputations from the working-classes from all parts of the country; they acted upon the fullest information, and came to a resolution, in May, 1824, to the effect, that the opinion of the Committee was, that the master and workman should be free from all restriction as regarded the rate of labour, and the hours of work; and that they should be left free to make such agreements as they mutually thought fit. Upon that resolution an Act was passed, without opposition, ten days before the close of the session, sweeping away seventy-four statutes of interference between master and workman. He did not suppose it possible that such a Motion as that of the noble Lord could have been carried; but, being carried, great credit was due to the Government for making a stand against it. He trusted that the House would, before Friday, lend their best attention to the subject. A ten hours Bill, would, in his opinion, be the very means of hastening the evils they desired to avert. If the noble Lord, the Member for Sunderland, entertained the idea that the regulations he had adverted to would be beneficial, he trusted the noble Lord would be prepared to lay on the Table the exact regulations he proposed, whether they were to be of the nature of guilds or of committees sitting in every country town to fix the rate of wages. Before he sat down he would ask, how those working people were to be supported who would be thrown out of employ by the proposal of the noble Lord, and he put it to the noble Lord whether it would not be better that they should be supported as now, than left to starve and die?

Mr. *Borthwick* said that his respect for the Government was not in the least diminished by the use that had been made of the name of Jack Cade. He thought that the phrase had been too much dwelt upon, as it was to principles and not to persons that the right hon. Baronet had applied it. He had hoped that Her Majesty's Government would have come down prepared with a compromise to eleven hours, although he was still of opinion that a reduction of time to ten hours would not be injurious either to masters or workmen. This principle of interference with labour was not new, for it had existed in England as long as the constitutional Government was known. There was, therefore, nothing novel or revolutionary in it: and if there were, it must be recollected that the noble Lord the Member for Dorsetshire was the giant Jack Cade, and those who supported him were only his little progeny. The ninety-three Members who supported the proposition, although usually voting with Government, had shewn their independence, and that they were no slavish or selfish adherents, as they had often been described.

Mr. *C. Buller* expressed his regret that he had not been in the House when the right hon. Baronet (Sir J. Graham) spoke, as that right hon. Gentleman had alluded to him more personally than anybody else. The right hon. Baronet had, on the part of the Government, proposed the wisest and best course that, under the circumstances, could be adopted, namely, to come to no resolution at the present moment, but to leave the whole matter to be considered on Friday. Therefore if the noble Lord opposite would accept the advice which he would humbly tender to him, it would be not to express any opinion regarding the further course to be taken, but to give that time for deliberation which the true interests of the country and the importance of the subject demanded. He thought it would be better if the old custom could be adhered to of answering a speech on the same night it was delivered. When he spoke the other night the right hon. Baronet was present; he had the opportunity of reply, and if any sentiments which he uttered were so wildly absurd and so extravagantly pernicious as the right hon. Baronet had, after mature deliberation, and under the promptings of a certain Sunday newspaper, described—if they had that character, then it certainly appeared that the moral and intellectual enormity ought to have struck upon the acute perception of the right hon. Gentleman at once, upon the spot, when his (Mr. Buller's) fallacies were fresh in the recollection of the House. But he appealed to hon. Members then present, if the right hon. Baronet had not rather elevated the observations alluded to, and given them that character of wildness and ulterior views which nobody who heard them could have thought properly appertained to them. But the right hon. Baronet omitted all his arguments: omitted everything specific, took advantage of some few vague phrases (which he afterwards fully explained) which he quoted, not very correctly, and left the House and the country to conclude that he had proposed something extraordinary and enormous, involving altogether new principles of legislation. Now what did he really say? He said that a new state of society had arisen, owing to the congregation of large masses of unskilled labour in densely populated towns—that that was a state of things new in England—that to legislate now upon the principles you had before recognised as applicable to a former and a different order of things, under the idea that they would be equally applicable to the new state, would be wrong and inconsistent—that he supported this Bill on behalf of the labourer, and that he would apply the principles it contained as far as they could conveniently be carried. If those were the principles of Mr. Cade—if he had never proposed anything more — and if he had propounded such principles in so exceedingly guarded a manner, then he must say, that of all the politicians of this country, Mr. Cade had been the most grossly misrepresented. It was not for him to expound or explain the principles of Cade. The right hon. Baronet, however, having found that expression in a Sunday paper, thought it a good one to use in the House, without, of course, applying it to any body; but if he were to take that same newspaper and read from it to the House some expressions relating to the right hon. Baronet himself, that right hon. Gentlemen would probably think that he, in so doing, had gone beyond the rules of politeness. Whatever the right hon. Barone might have intended, the expressions he used were certainly calculated to fasten that unpleasant epithet upon the views put forward by him. Nobody, however, would suppose that he had maintained such principles, because the right hon. Baronet had found the name, as he thought, applicable. His arguments were used openly before a full House; the right hon. Baronet was present on Friday, and he did not answer: on Monday, the right hon. Baronet came down to the House and called him names; and he left the House and the country to judge between them.

Sir *R. Peel* said, his hon. Friend had not entered so fully into details as the hon. and learned Gentleman seemed to suppose; but, as the Government had taken a course at variance with the opinion of a majority of that House, and as the Government professed a desire to treat that House with all deference and consideration short of sacrificing their own opinions and convictions, his right hon. Friend had thought it due to the House to state the grounds upon which Her Majesty's Ministers had formed their opinions; and in the course of his address his right hon. Friend had stated that he could not concur in the practical proposal of his noble Friend to limit the number of the hours of labour to ten; but that he thought the arguments upon which that proposal was founded were still more alarming than that practical measure itself. His right hon. Friend had then briefly referred to three courses of argument taken, not on that (the ministerial), but on the other side of the House—namely, the arguments of the noble Lord the Member for Sunderland, of the right hon. Gentleman the Member for Northampton, and lastly those of the hon. and learned Member of Liskeard. The hon. and learned Member must excuse him if he expressed the opinion that his right hon. Friend had correctly represented the argument of the hon. and learned Gentleman. He had understood the hon. and learned Gentleman to say that this measure was not one to be regarded in the abstract, but upon its individual merits. He had attended to the speech of the hon. and learned Gentleman, and had a strong recollection of the hon. and learned Gentleman saying that the measure came recommended to him, because it was the first step in a bold and novel system of legislation. He had the strongest impression that those were the words which had been used by the hon. and learned Gentleman; who had also further said, that he was prepared to follow out the measure into all the legitimate and logical consequences involved in the original measure itself. The hon. and learned Gentleman argued that a new state of society had grown up requiring new principles of legislation, and that therefore the old course must be abandoned and a new one begun. The hon. and learned Gentleman went on to state that he would push his principles to their utmost practical extent, and that he would carry legislative interference with labour so far as he could consistently with this, that he did not establish a domestic inquisition more intolerable than the evils he sought to remedy. Now his right hon. Friend had referred to the general line of argument, and had stated that one of the reasons for the decision that had been arrived at by Her Majesty's Government was, that not only they feared the practical consequences of this restriction upon adult labour; but, viewing it as the hon. and learned Gentleman had himself stated, as the first step in a future course of legislation upon the subject, that very consideration confirmed their apprehensions, and induced them to say that they could not advise the House to enter upon such a course of legislation. The hon. and learned Gentleman had protested against the quotation of his speech delivered on Friday; but Mr. Cade might, if living, equally object to quotations made from his delivered so long a time before; and he must say that the principle contended for by Mr. Cade appeared to be not very different from those advocated by the hon. and learned Gentleman. When his hon. Friend the Member for Oxford had asked him (Sir R. Peel) whether he adopted the term "Jack Cade legislation" or not? he did not think it becoming in him to answer such a question. He had not thought it possible that any one would have thought that his right hon. Friend (Sir James Graham) had applied the phrase to hon. Gentlemen either on that or the other side of the House. His right hon. Friend was speaking of the consequences of certain principles contended for on the other side. He rose, however, principally for the purpose of saying that this had never been considered by the Government as a mere departmental question, but as one involving the most important principles. The decision conveyed by his right hon. Friend was not the decision of a Minister, but the opinion of Her Majesty's Government, formed without fear of incurring responsibility, feeling it to be their duty, after mature consideration of the position in which this question had been placed by the decision of a majority and its subsequent reversal. It was impossible not to perceive that the question had been left in a very embarrassing state. The Government had considered all these things, and the determination to which they had come was, that it was their duty to oppose themselves even to the decision of a majority of that House, to give the country an opportunity of first considering whether a measure of this kind would be for the welfare of that class in which all must take the deepest interest —he meant the working class. Her Majesty's Government were of opinion that it would not be for the interest of that class to sanction the proposed restriction on the hours of labour, and although in a minority, they conceived, as he had stated the other night, that they were performing one of the first duties and most important functions of a Government in opposing themselves to that which they believed was founded in error. These considerations had induced Her Majesty's Ministers to come to this conclusion, that it was not wise to expose the manufacturers of this country to that competition to which they must be exposed if you compelled, by your legislation, adult labour in this country to submit to a restriction involving loss of wages, and the diminished production and increased price of the article manufactured. Now, without taunting hon. Gentlemen opposite with taking a different view from that they formerly held upon this question, he would merely repeat what had been said by his right hon. Friend, that the Government had inherited the Bill from their predecessors, and that the same views now taken by Her Majesty's Government had been taken by others when in power. But his right hon. Friend had never implied that if the opinions of hon. Gentlemen were changed, it was not their duty to act upon that change. He trusted that on Friday next the House would be prepared to consider this great subject, not as a party question, but as one involving the commercial prosperity of the country, and the permanent interests of the working men, to enter upon the discussion with that calmness which best befitted the topic.

Viscount *Sandon* hoped his noble Friend would acquiesce on Friday in the proposal of Government to withdraw the present Bill, and introduce a fresh Bill. From the course which Government had pursued, and from the language which they had before held, he had hoped that they would have come to a different determination. He would recal for one moment the words which the right hon. Baronet (Sir J. Graham) made use of when the House decided in favour of a ten hours' Bill by a majority of nine; the right hon. Baronet then declared that he had insuperable objections to a ten hours' Bill, which he believed would be fatal to the commercial prosperity, and injurious to the moral condition, of the country. But how could Government, or indeed how could any one suppose that the difference between a ten hours and a twelve hours' Bill would exercise so baneful an influence, not only on the commercial prosperity but also the social peace of the country? He had hoped that on a previous occasion when he heard the words of the right hon. Baronet, and he was glad of it too, that Government were holding out the olive branch to his noble Friend and his supporters. He was grieved, however, to learn by his right hon. Friend's declaration that evening that such was not the case, and that Government was determined to adhere to its own views. He confessed, that to him it appeared a most unwise course that they should tie themselves down to the proposition that the only and exact amount of interference that the commercial prosperity of this country admitted of was to the restriction of twelve hours. He regretted it the more especially, because by the course which the Government were pursuing, he believed that they were placing themselves in opposition to the public sympathy and to the feelings of the manufacturers themselves, which were running in favour of restriction—nay, he believed that they were placing themselves in opposition to the feelings of the great majority of all classes. He repeated, that he was grieved to find that the Government was raising a new barrier, and restricting themselves to a course which he could not but pronounce most unwise. He held in his hand a letter from a manufacturer, in which he stated that in his opinion Lord Ashley had gone too far in his proposition of a ten hours' Bill, but he willing to take the middle course, and agree to an eleven hours' Bill. When men interested in those matters—when manufacturers themselves said that they feared not some limitation, he could not but regret that the Government had refused all compromise. That course was not to have been expected from the language which they had held. It was inconsistent with their own interests. He could have wished that they had at least maintained their opinions on grounds a little less broad than those on which they had. He was not surprised at the supporters of Government shrinking from pledging themselves to such broad principles. He was, however, surprised to find that a Government which recognised the principle of interference in the cases of women and children should make a wide and insuperable difficulty in interfering with men. If their principles were sound, if their principles were good for any thing, they must, at least to be consistent, repeal all former Factories Bills that in any way recognised the principle of interference.

Mr. *Morrison* expressed his belief that the proposition of the noble Lord the Member for Dorsetshire would not only be injurious to the labouring classes, but that it would injure the export trade of this country. The cotton trade was in a peculiar condition. The competition with America was enough to prevent, in prudence, any such measure as that which was proposed by the noble Lord. It would most materially injure our cotton and woollen trades, with which there was a growing competition. In the United States they had a most formidable rival —the cotton factories not only in Massachusetts, but in almost every State of America, were daily adding to their power of competition with us. In that country, where legislation took place upon almost every subject, they had not thought of interfering with or restricting the number of hours that the labouring classes worked. In that country, from the system of Universal Suffrage which prevailed, the Operatives themselves in part made the laws. They had the power in their own hands of making such laws; surely, then, if the number of hours which they worked was found to be oppressive, they would interfere and place some restrictions on the amount of labour that they might be called upon to perform. Such had not been the decision of the working classes in America, and he believed that, when the operatives in this country understood the question and their own interests, they would adopt the views of Her Majesty's Government. There had been of late, and he thanked God for it, a great improvement in the condition of the working classes. And he begged the House not to hazard a return to that state from which they were then happily emerging, by any such ill-timed restrictions as those proposed by the noble Lord the Member for Dorsetshire.

Lord *Stanley* begged the House to excuse him for a few moments, as he was anxious to call attention to what had fallen from the noble Lord the Member for Dorsetshire. He was anxious so to do, because the noble Lord had urged two grounds of complaint against the Government, in both of which the noble Lord laboured under a misapprehension. In the first place the noble Lord said, that the Government had placed no importance upon the twelve hours' restriction, and that they were magnifying into vast importance the broad lines of demarcation between the noble Lord and the Government. So far from that being a true statement of the case—so far from Government thinking the matter of no importance, if hon. Gentlemen would only recollect for a moment, they would find that Government had made a most emphatic declaration of their intention to oppose the motion of the noble Lord (Lord Ashley). So far from the Government thinking the subject of restriction of no importance, it was a matter of notoriety that it was in consequence of the difference of opinion between the noble Lord and the Government on that question, that they were deprived of the assistance and support of the noble Lord. That, at all events, showed that it was no unimportant subject to them. The noble Lord (Lord Sandon) said, that by their restriction of twelve hours, they had admitted the principle of interference, and if they opposed his noble Friend (Lord Ashley) they must proceed further, and repeal all former factories Bills. They had, it was true, admitted the principle of interference, but they believed that that interference was justified by the peculiar circumstances of the case. The difference between the noble Lord and the Government was a broad difference in detail rather than in principle, yet involving no unimportant consequences. He believed that he could foresee both to labourers and manufacturers, in the present artificial state of society, evils which admitted of interference in factory legislation; but he also believed that the interference of the noble Lord (Lord Ashley) would frustrate his own benevolent objects, and involve the manufacturing interests in the deepest distress. It was not the principle of interference or non-interference that they were contending for—but whether it were wise, safe, or politic to place additional restrictions upon the labour of the working classes, and whether such additional restrictions should not not compulsory, but permissive. His noble Friend said, that the Government had now made a declaration which was never to be departed from. Was there then to be allowed to them no mitigation—no limitation—was no change of circumstances to allow of any alteration in their opinions? Was their decision to be fixed and unalterable? He complained of the way in which their opinions had been represented. The Government believed that the consequences of their measure would not materially affect the manufacturing interests; but not so with the proposition of the noble Lord (Ashley). His conviction was, that the result of the noble Lord's measure, in the future, would be prejudicial to the interests of the labouring as well as the master classes. He should be deluding his noble Friend (Lord Ashley), it would be unworthily deluding the labouring classes, if he said that these opinions were founded on temporary circumstances: at the same time it was not safe, it was not wise, to hold out any expectation that what they could not do this year they might do the next. He thought it better to state general principles, on which he felt bound to act. All classes would have good grounds to complain, if the Government, falling into the general expressions of humanity, were to give a partial acquiescence, by holding out a hope that in the course of a limited period they might be induced to yield, to get rid of a temporary difficulty. He perfectly admitted that there was no declaration of any Government which was founded, not on broad principles, but public welfare, that would not admit of a gross dereliction of principle. There was no question on which it could be safely said, that no time, no circumstances would alter the opinions concerning it. He believed, on consideration, that the proposition of the noble Lord (Lord Ashley) would produce more of disadvantage than good; and if, in his deliberate judgment and consideration, he believed that that proposition was calculated to bring down evil upon those whom his noble Friend (Lord Ashley) desired to serve, but upon whom, if successful, he would inflict an irreparable injury, he should not be acting a wise, a safe, or honest part, if he did not express such conviction candidly to the noble Lord and his supporters.

Mr. *Hawes* said that no one could complain of the manner in which the noble Lord (Lord Stanley) had expressed his opinions. With regard to the interference with adult labour—if he thought, as he earnestly did think, that it was possible to maintain a more definite time of labour without injury to the great manufacturing interests of the country—then he concluded they were bound so to do. The question having been raised, he thought that both on sound and commercial grounds there was a just reason for the limiting the hours of labour. The right hon. Gentleman the Secretary for the Home Department, had held out as an argument against a ten hours' Bill, the fear of a strike among the labouring classes; but strikes among the labouring classes did not turn upon questions of wages, they arose from the ignorance of the labouring classes. He regarded the principle of interference as dangerous to the interests of the working classes; but that he held that Government had it in their power to make up to the labouring classes for any reduction that might accrue to their wages from legislative interference. He maintained that he had a right, as Government had raised the question of limiting adult labour, to take that view; if he could carry it farther on social and commercial grounds, he had a right so to do, especially when he expected, by so acting, to gain immense advantages to the labouring classes and the country. The principle of interference had been recognised, and had been tried and sustained by experience; if then, in deference to public opinion, Government must bow, he hoped, by compelling the interference with labour to gain other advantages to the labouring classes, to compensate them for any diminution in their wages that may result therefrom.

Mr. *Aglionby* entirely coincided with the opinion expressed by the noble Lord, that that was a measure of detail rather than of principle. Whenever he saw any measure brought forward for the benefit of the people, although they might be called Jack Cade principles—he cared not, for hard words broke no bones—he felt bound to give them his support in the discharge of his duty to his constituents and the country. He could not but express his gratification at the plain straightforward statement of the noble Lord (Lord Stanley). He had been led away from the question; his hon. friends around him boldly and plainly denounced the principles of interference, but these were not the principles of Her Majesty's Government. They recognised the principle of interference. The whole of their legislation was based upon that principle. The right hon. Baronet (Sir J. Graham) could not abandon the Bill. He could see no more danger likely to accrue from limiting the hours of labour to ten, than from limiting them to twelve. He did not disguise from himself that it was a matter of very great importance, but he could not bring his mind to believe, that the safety of the country and our commercial prosperity depended on our non-interference with the factories labour.

Mr. *Ewart* said, that if the Government had adopted the compromise of eleven hours which was held out to them, they would have been generally supported by the House. All which he had heard convinced him that the Government might have adopted with propriety an eleven hours' Bill. So far from bringing agitation to an end by the course which the Government had pursued, they had rather fanned the flame. They had now, he believed, allowed the time to go by in which it was possible to effect a compromise. He thought that Government had taken a most unwise course in that which they had pursued.

Dr. *Bowring* did not think that this was a question that could be settled by compromise, and was convinced that any steps taken to produce additional interference between the masters and workmen would be injurious to both. On one side of the House, Ministers had been deserted by some of their most zealous and exciteable supporters, and, on the other, changes of opinion had occurred which he deeply regretted. The manufacturers, with few exceptions, were opposed to the proposition of the noble Member for Dorsetshire, and although their workmen were just as strongly and as generally in its favour, he was sure that ere long they would see reason to rue the part they had taken. Nevertheless, the time had arrived when the experiment must be tried; the disposition in favour of trying it could not long be resisted, but those who so eagerly urged legislation forward would soon wish that they had opposed it just as strenuously. The working classes would have to pay the penalty of their enthusiasm in favour of the proposed alteration of the law. They were preparing the way for a frightful crisis. He believed it to be a great delusion that the same wages might be obtained by a smaller number of hours' labour. He had withdrawn from any active part in the discussion, foreseeing that the experiment could not be resisted, and that obedience must be paid to the strength of public opinion.

Mr. *Mitchell* was persuaded that the reduction of hours would have the effect of throwing many hands out of employ—that the consequence of that would be a reduction of the quantity of goods manufactured, and an advance in the price of them. This unhappy result must do the most fatal injury to the export trade of the country, and encourage foreign competition.

Mr. *Escott* said, that he voted against the proposition of the noble Lord, for he thought the measure of the Government was likely to prove a salutary change. Though it might not be quite sound in principle, it did appear to him a great improvement upon the existing state of the law. He came prepared to make concessions to the demands of the working classes, but yet, when he heard the speech of the noble Lord, he found no argument in it to show that the change which he proposed would be for the benefit of the people. The noble Lord completely avoided the commercial part of the question, and he, as well as those who supported him, recommended those views by sentiments which could not be too strongly censured. The tendency of their arguments was clearly revolutionary; they paraded grievances, and they threatened violence if those grievances were not redressed, while by no arguments that they brought forward did they show that their proposed measure would remove the causes of complaint. In his opinion, the course which the Government took was the only course consistent with their own honour or the interests of the people.

Mr. *Brocklehurst* said, that the hon. Member for Inverness had been mistaken as to some of the facts which he had stated. It was not his case, but it certainly was the case of many hon. Members, that they spoke on this question really knowing very little about it. They had not, and could not, have any experience, and so they made up the want of experience with a great deal of philosophy. The right hon. Baronet would hear more that was worth hearing in relation to it in one hour at the HomeOffice than for a dozen of hours in another place which he was in the habit of frequenting. He opposed all restriction upon labour, and rather required a reason for supporting the limits of twelve hours than for opposing those or any limits.

Order of the Day read.

Committee postponed to Friday.

POOR LAWS (IRELAND.] Mr. *French* rose for the purpose of complaining that certain Returns, regarding the operation of the Poor Laws in Ireland, for which he had formerly moved, had not been made by the Poor Law Commissioner. He observed that he might have claimed precedence for the question, on the ground that it related to a breach of privilege.

The *Speaker* said, that the usual practice before making such a complaint a matter of privilege, was to move that the Returns be furnished forthwith, and if that were not done, then to proceed as the hon. Member suggested. On the Order of the Day being read for going into Committee on the Mutiny Bill, the hon. Member would be at liberty to bring forward his statement.

Order of the Day read for the Committee on the Mutiny Bill.

Mr. *French* would then proceed briefly to lay before the House the facts which influenced him in bringing forward the motion of which he had given notice relative to the conduct of the Poor-law Commissioners, and the reasons which induced him to consider the delay of which he complained to have been systematic and intentional. On the 13th of February, last year, a Return was ordered at his instance, of the number, name, and local situation of each workhouse in Ireland, which had within itself no supply, or an insufficient supply of spring water; also specifying the houses from which the sewerage was not sufficient. On the 24th of March, as no Return appeared likely to be made, he felt it to be his duty to place a Notice on the Book—

> "That the documents he had called for were such as, if the Commissioners were properly discharging their duties, must have been within their immediate reach—that the delay in presenting them was a contempt of the authority of the House of Commons, and that he should move Mr. George Nicholls and Mr. Cornwall Lewis be called to the bar, to answer for it."

A few days after this notice was given, a paper was sent in, professing to be, which it was not, the Return called for. On the 11th of August, 1843, on a motion made by him, a Return was ordered of the number and names of the Assistant Commissioners in Ireland; the names of the districts and unions to which they were attached, and the number of their attendances during the last six months at each workhouse. This was a Return which ought to have been made within twenty-four hours, but it had never yet been given. On the 6th of February, of the present year, a Return was ordered of the dates and places where the military or police had been employed during the past year in enforcing the collection of Poor-rates in Ireland, specifying the number of men employed, and the amount of rate collected. Could any person believe the Commissioners had not in their possession the means of making this Return, and that, if favourable to the working of the Irish Poor-law, it would not have been instantly given? No Return however had yet been made. Under ordinary circumstances he might be disposed to attribute the neglect in furnishing these Returns either to the pressure of business in the Poor-law Office, or to accident; but when he reflected that the continuance of this useless, expensive, and despotic Commission depended entirely on the state of ignorance in which Her Majesty's Government could be kept, as to the real working of the law, and the feelings of the Irish people in respect to it; the conviction forced itself on his mind, that the delay in furnishing the information called for, was, on the part of the Commissioners, wilful and intentional. It would not suit them that the truth should be known. Since the arrival of Mr. Nicholls in Ireland to the present day, this Commission had been misleading the Government, mocking the House of Commons, and impoverishing the country in which it was unfortunately located. He considered the Returns he had moved for, if honestly and correctly given, would be likely to undeceive the right hon. Baronet the Secretary for the Home Department as to the state of affairs in Ireland; and, should the right hon. Gentleman by any accident arrive at the truth, from his clearness of mind and firmness of purpose, there would in his (Mr. French's) opinion be a speedy end both to Commission and Commissioners in Ireland. He should proceed to lay before the House the nature of the information sought to be brought before them by the Returns he had moved for. On the 7th of February, 1844, by a letter from Ballinasloe, he was informed that

> "Military preparations had been made to enforce the payment of Poor-rates, as the people in the neighbourhood of Mountbellew had declared their resolution to resist this obnoxious impost; that troops had been poured in from Athlone and other adjoining quarters. Yesterday 700 soldiers and police marched to the scene of expected action. The peasantry, in number about 300, armed with pitchforks, cut the road across and threw up embankments showing the fullest determination of waging war to the knife even with this formidable force. Fortunately, by the great personal exertions of an active, intelligent, and popular magistrate in the county, Captain Kelly of Fairfield, matters were prevented coming to extremity."

Captain Kelly has received a very handsome letter from the Irish government, for the assistance he that day afforded. Two days after this, February 9th, a statement appeared in the public papers,

> "That the entire tract of country between Menlo and Abbert was in open resistance to the payment of Poor-rates; the police had been assaulted with stones by the peasantry when endeavouring to enforce their collection, and but for the exertions of Captain Warburton, the stipendiary magistrate, blood would have been abundantly shed."

In addition to this, he had an important communication to lay before them which he had received from the Catholic dean of the diocese of Galway (Doctor Kirwan), showing how the Act worked in the barony of Moycullen. He stated that

> "From the entire district there never had been at any time a dozen paupers in the union workhouse; from the parishes of Moycullen and Killanin he had been informed there was not one—from his own parish (Outerarde) he knew there was not one. For which reasons the injustice of the law was peculiarly felt, and there was a general refusal amongst the people to pay the rate; no person connected with the district would undertake to collect the rate, from its great unpopularity. A collector was sent from Dublin by the Poor-law Commissioners at a considerable salary; he resided at the best hotel in the place—but, as he was unable to identify the rated property, an assistant was employed, at the rate of five shillings a day. To protect him in the performance of his duties, were sent Major Brook, of the 69th Regiment, with two companies of Infantry, Captain Bonham, with a troop of the 10th Hussars, two sub-inspectors of police—Messrs. Coffey and Clune, and a force of constabulary amounting to fifty rank and file, with two stipendiary magistrates, Messrs. Jones and Duff. A large portion of the parish of Kilcummin lies along the shore of the Bay of Galway, and, as the island of Lettermullin was thought inaccessible to the military, it was determined that the Poor-rates in this part of the union should be collected under the intimidation of a naval armament."

It had been stated by an hon. Baronet, one of the Lords of the Admiralty, on a former occasion, that the naval force had not been employed in this manner. He had the authority of his noble Friend Lord Monteagle, to say, that during his stay in Ireland, the end of October or the beginning of November last, the Stromboli, war-steamer, was sent from the Shannon to enforce the payment of Poor-rate in the vicinity of Clew Bay. To return to the statement of Dean Kirwan:

> "Two of her Majesty's steamers, the Dee and the Comet, with two revenue cruisers, and Captain White, of the water-guard, with his force, were all collected and concentrated for this worthy purpose, and this entire naval and military force brought to bear on one parish (Kilcummin), the amount of whose Poor-rate was about 200*l*. The campaign commenced on the 29th of September last, and, notwithstanding this great force, and the enormous expense then and since incurred, one-fourth of the rate still remains uncollected, and much of it must ever remain so, as the wretched creatures from whom it is attempted to be extorted are themselves more fit to be inmates than supporters of a union workhouse."

The rev. Gentleman went on to say—

> "Was it possible to procure a return of the expenses incurred by those proceedings; he was confident it would be found that every shilling collected in that district for Poor-rates had cost the county a pound."

It was precisely such a Return as this, he (Mr. French) was seeking to obtain. He regretted more than he could say that Her Majesty's Government chose to identify themselves with the continuance of this odious and inoperative law, to which, according to their own account, they had given a doubtful and reluctant consent—a law from which no possible advantage could result, unless walling in a handful of paupers was to be taken as a remedy for the destitution of a nation—a law upheld wholly and solely by British bayonets, in defiance of the wishes and in opposition to the interests of the country—a law which a dignitary in the Catholic Church has well described as enacted, not for, but against Ireland—a law which the Commissioners of Poor Inquiry long since warned them, if passed, must, after great expense and much discontent, be repealed, and the workhouses built under it abandoned—a law the continuance of which for two years longer, one whose knowledge of Ireland and the feelings of her people could not be disputed—Mr. O'Connell—had told them must inevitably goad the people of Ireland into rebellion—a law which the firmest political supporters of the present Government in Ireland had openly denounced as unsuited and unsuitable to the habits and wants of the Irish people—a law, the operation and effects of which had been admirably summed up, in a letter addressed to the right hon. Baronet at the head of the Government, by a political friend, Mr. Daly, of Tullamore: who stated that, although the Irish Poor-law passed in 1838, it had not come into full operation in May, 1843. By a Return before the House of Commons it appeared, on the 16th of that month, thirty-one workhouses were then unopened, although on the staff of the Irish Poor-law Department, during that period, one hundred thousand pounds of the public money had been expended—that many Boards of Guardians had expressed their anxiety to close up workhouses already opened for want of funds—a fact so notorious, that it might possibly have reached Her Majesty's Government—that the workhouses already open were not one-third filled with paupers from the strong repugnance entertained by the poor to the system—that mendicancy, in all its loathsome forms, remained unmitigated — that the small farmer, long struggling against local taxation and other charges, supporting himself and his family on the humblest description of food, the potato, had been compelled to yield to the additional pressure of Poor-rates, and become a defaulter; that, one-fourth of the old rate in many cases remained uncollected, yet the Poor-law Commissioners were insisting on the declaration of new rates—that an armed force was required to aid the collection of Poor-rates in many places, in a constitutional sense the strongest possible condemnation of the law; and lastly, as if to form the most glaring contrast between poverty and its supervisors, the cost of maintaining each pauper in the workhouse was estimated at 2*l.* 12*s.* per annum, whilst the allowance of each Assistant Commissioner was stated at 1,500*l.* a-year. Admirable system!—1*s.* a-week to the pauper; nearly 30*l.* a-week to the Assistant Commissioner. He should not trespass longer on the House. He considered he had shown the nature of the information sought for by him would be fatal to the system of the delusion attempted to be kept up by the Commissioners—that it would not willingly be given by them, and that he was fully justified in requesting of the right hon. Baronet that the Returns relating to the employment of military in the collection of Poor-rates in Ireland, ordered on the 6th of February last, be forthwith furnished.

Sir *J. Graham* said, that the right hon. Gentleman the Speaker was so just and impartial in enforcing the due observance of the rules of the House, that he had been prevented by that consideration from rising to call the hon. Member to order for doing what appeared to himself to be contrary to those rules, viz., raising, on a motion for going into a Committee of the whole House on the Mutiny Bill, a question like this, on the operation of the Irish Poor-law, the conduct of the Commissioners in England, and the Commissioners in Ireland, and other important matters relating to the same subject. As it would be highly improper in him, however, to encourage such a course by following the hon. Member at any length into this subject, he should content himself with observing, that, with respect to the Orders referred to by the hon. Gentleman, of an antecedent Session, they were dropped Orders, and it would be necessary for the hon. Gentleman to renew them. With reference to the more extensive subject brought forward by him, namely, the operation of the Poor-law in Ireland, and the collection of the arrears of the rate, he (Sir James Graham) had already stated to the House on a former occasion, that if, after the Easter recess, it should be the pleasure of the Irish Members of that House to move for a Committee of Inquiry into the operation of the Poor-law in that country, he, on the part of the Government, should have no objection to that course being adopted. As to the other Returns alluded to by the hon. Member, he could assure him that no delay in their production should take place beyond what was absolutely necessary.

The *Speaker* said, he had not interrupted the hon. Member for Roscommon in his statement, because he presumed that the hon. Member would conclude by moving some Amendment to the Question before the House. Now, however, that the hon. Member had sat down, without proposing any Amendment, he would suggest to the hon. Member that he could not enter upon the subject of the Irish Poor Law when the House was discussing the Mutiny Bill.

MUTINY BILL.] House in Committee on the Mutiny Bill.

Captain *Pechell* observed, that it had been declared that the Stromboli steamer had been engaged in assisting the collection of poor-rates. He had heard that the Comet had also been so employed, although the fact was denied the other evening by the hon. Baronet, the First Naval Lord of the Admiralty. It was a service not fit for the Navy, and he wished to know whether, in fact, Her Majesty's ships had been employed in this odious service?

Sir *J. Graham* said, happily a truce at present existed between the hon. and gallant Officer and himself upon the subject of the Poor Law, and he thought it would be a pity now to disturb it. He was sure that the hon. and gallant Officer, who had served so long under the right hon. and gallant Gentleman, the Member for Ripon, was perfectly aware that he was incapable of making a statement with the view of deceiving that House. The facts were, that on a remote portion on the coast of Galway there was a formidable and organized resistance to the payment of the arrears of poor-rates. The civil force was not sufficiently strong to be effective, and one or two steam-boats from the river Shannon were sent to assist the civil power. That transaction, he believed, did take place, but he was quite sure that his right hon. and gallant Friend was not aware, when he denied it, that the circumstance had occurred. On the part of her Majesty's Government he (Sir J. Graham) was quite prepared to justify the proceeding upon which so much stress had been laid, when the proper time should arrive.

Bill went through the Committee.

MARINE MUTINY BILL.] On the Order of the Day for the House to resolve itself into a Committee on the Marine Mutiny Bill,

Sir *C. Napier* wished to take the opportunity of calling attention to one or two points connected with the existing Articles of War. If he were to send a watering party on shore, with a guard of marines and an officer to superintend them, and those marines got drunk or otherwise misconducted themselves, and if he were to punish them after they were brought on board the ship without trial by court-martial, they could turn round upon him and say, "The crime was committed on shore, and you have no right to punish us unless we are tried by court-martial." Well, his answer to that would be the authority given him by the Articles of War. This was a matter which required to be more clearly and thoroughly explained. The effect was bad. The marine could not be punished, but the seamen could. It was stated also in the Articles of War, that if a man committed such and such a crime, he must suffer death, or such punishment as the court-martial should upon trial inflict. The practice used to be to turn the hands up and punish the men; but they might have objected and demanded a trial by court-martial. By the last Article of War, all other but capital crimes were to be punished agreeably to the laws and customs of the Navy, and that was the only Article by which he could punish a man without trial by court-martial. He suggested that something should be done to make the Articles more intelligible. There were three cases only in which the punishment of death could be awarded. He remembered a master-at-arms being threatened by a drunken seaman, who said he would stick his knife into him. The man was rather a troublesome person, and there was no other alternative but to try him by court-martial, and he was condemned to die. The surgeon, however, certified that the offender had received a wound in his head, which at times rendered him not quite conscious of what he was doing. The Court, therefore, recommended him to mercy, and but for that recommendation he would have suffered death. He was sent home and transported for fourteen years. But the effect was lost upon the Fleet; there was no example before them; nobody knew what became of the man. The Article ought to be altered. Let it be death, or such other punishment as the court-martial should think fit, to be inflicted upon the spot. The court-martial should not be put in a position to prevent them carrying the law into effect.

Mr. *S. Herbert* would not at that moment give an opinion upon the expediency of the alterations suggested by the hon. and gallant Gentleman; but he would consult with the Admiralty, and give an answer upon the bringing up of the Report.

Mr. *M. O'Ferrall* said, this question had arisen in the case of the marines on service on the coast of Spain, and urged that some alteration should be made.

Captain *Pechell* was aware that this was both a difficult and a delicate subject. But when they heard that every person, including every midshipman and every volunteer who should sleep on his watch, was liable to the punishment of death, or such punishment as the court-martial should think fit, they must admit that an alteration of the law was required. Sleeping on a watch was not so bad an offence as a sentinel sleeping at his post; and men were constantly in the habit of sleeping on their watch, with this threat of death hanging over their heads.

Bill went through the Committee.

CONTROVERTED ELECTIONS.] Sir *R. Peel* rose, according to notice, to move for a Select Committee "to consider the Acts in force with respect to the Trial of Controverted Elections, and to report their opinion, whether any and what Amendments can be made calculated to improve the provision of the said Acts." The right hon. Baronet stated, that when he introduced the Bill which provided for the jurisdiction of Controverted Elections, he stated that he would, before making a Motion this Session for the continuance of the Act, move for the appointment of a Committee to consider whether any Amendment could be introduced into it, and he now accordingly moved that a Select Committee be appointed for that purpose. He proposed the Select Committee more for the purpose of considering whether any Amendment could be made in the existing law, for he thought that the important question, whether or no any other tribunal should be appointed, ought to be reserved for the House of Commons. It affected the privileges of the House of Commons, and was therefore a question which a Select Committee should not decide. His object, therefore, was to consider whether any amendment could be made in the existing system, assuming that the existing system be continued; but an opinion that the existing tribunal should be abandoned and another appointed, should be discussed in the House. He trusted that no party feeling would influence the House in the consideration of this question; he hoped that hon. Members, whatever their opinions might be, would be prepared to concur with him in thinking that while the present system continued, it should be made as perfect as possible.

Mr. *Gisborne* said, it was impossible to object to a measure for amending the law as it now stood. He should, however, have been gratified if the right hon. Baronet had explained what he thought the points were in which the present law required amendment. It was a law which the right hon. Baronet had introduced himself, and it seemed to be limited to one object, namely, to remedy the partiality which had been exhibited by Committees. There might be some doubts how far the alteration had made any improvement in that respect; he thought, however, that it had made some improvement. He had that morning examined the Journals of the House to see how far the decisions of the Committees since the passing of the Act would bear a party aspect (and he had excluded the Committees which were proved to have ended in compromises, viz., Lewes, Penryn, Nottingham, Bridport, and Reading), and he found that twenty-five Committees had decided in conformity with the politics of the majority of the Members who formed those Committees, and eight had decided the other way. The latter Committees seemed to have acted much less in conformity with the politics of the majority than those did in the first instance. But it appeared to him that the amendment of the law should go far beyond that to which the right hon. Baronet applied himself, when he brought forward that measure. The great object was to give a fair scope for all proper Petitions, but not to give undue encouragement to those who petitioned without sufficient cause. The law left it in the breast of the Committee to declare Petitions frivolous and vexatious, and thereby to saddle the parties with costs; the result had been, that no one Committee, since the new law had been adopted, had declared any Petition to be frivolous and vexatious. The Committee was still a party tribunal. They selected three hon. Gentlemen from one side of the House and three from the other; and by turns they gave a Chairman from one side of the House to one Committee, and from the other side to the next. Each Gentleman, therefore, saw that he was watched over and suspected of party feeling, and their natural desire was not to step beyond the line which their duty imposed on them, and they said, we won't go any further, and give costs. Last year, when an hon. Gentleman, who sat behind him, had made preparation for his defence, which could not be done for less than 300*l.* or 400*l.*, his opponents came forward and said, they were not prepared to go on with their Petition. He, however, thought it right, as in the courts of law, to let the costs follow the decision, only giving the Committee the right to decide in such cases as they pleased, that the unsuccessful party should not pay the costs. There was a point of practice upon which he thought the action of these Committees would be extremely improved, and it was, perhaps, more necessary before them than any other tribunal. When any person had an action at law, he might give notice to the opponent that if he did not admit certain points, they would be proved at his expense. Now, nothing ever was admitted before an Election Committee; they put the cleverest counsel to argue before men who were not lawyers; they took evidence of everything, and admitted nothing. He hoped that would be a point of consideration also. He did not know who the right hon. Baronet meant to put on his Committee, but he hoped amongst the number there would be some hon. Gentlemen who had suffered by the present system, who felt where the shoe pinched, and who would be able to give the Committee some assistance in coming to a decision upon the merits and demerits of the present system. He had no doubt the right hon. Baronet had made an extremely fair and judicious selection, and he hoped the attention of the Committee might be directed to the two points he had referred to.

Mr. *Collett* said, the hon. Member for the county of Anglesey having, I understood, under the best advice, consented to postpone for the present his Motion for a Select Committee to inquire into the circumstances attending the getting-up and prosecutions of two Petitions against my return for the Borough of Athlone, I feel satisfied that the object will be equally obtained if his Motion be allowed to merge into the Committee of the Government, and that the right hon. Baronet will give instructions to the Committee to inquire, not only into the getting-up of those Petitions, but also how far it is consistent with the dignity of this House, with the rights and privileges of its Members, and with the intention of the noble Lord, the Member for the City of London, under whose Act these repeated Petitions have been presented—how far it is just and proper for any Member to have to appear before more than one Committee to defend the same, and at the same Election. If you refer to the Journals of this House you will find it entered on them on 31st May, 1843, that by a decision and verdict of a Committee, I was then declared duly elected for Athlone during the present Parliament. I should have thought that here the matter ended—that the decision was final—that I was, as I was stated to be, elected for this Parliament, meaning the whole of it, and that the plea of "*autrefois acquis*" was in this, as in all other other cases in this country, a bar to any other proceedings or investigation; instead of this, I have, in the present month, been subjected to a second edition of precisely the same annoyance, attended with precisely the same result; my opponents have no case, and I am on 7th March 1844, again declared duly elected for the present Parliament, which is again entered on your Journals—and I may, perhaps, again have to defend this seat. I can assure the House that a series of these Petitions, got up for the purpose of annoyance, intimidation, extortion, and peculation, are by no means either agreeable or profitable. In these two particular instances, (in which, as to the charge of bribery, I am as innocent and ignorant as any one in this House) the answering and having to defend these Petitions has been attended with no small anxiety of mind—and has cost me more than 1000*l.* out of my pocket—indeed, from what I understand, I have not yet purchased peace and the quiet enjoyment of my privileges; the apparent getter-up of these Petitions, a Mr. Moss (but who being, I understand, as indifferently off in his circumstances as in his character, can hardly really be at the bottom of them; indeed, he has stated that there are other parties behind the scene desirous of my seat in this House, and if report speaks true, some parties desirous also of a seat in another place, this Mr. Moss having stated publicly, and to one of the servants employed in the offices of this House, that "if Mr. Collett got over this (meaning the last) Petition, he would not be much the forwarder in retaining his seat—that he would have another Petition shortly—and that it would be an annual affair till he was ousted—in short, Sir, that there is to be no end to the persecution and annoyance to which I am to be subjected for the sake of depriving me of my seat. I have, I am sure, only to mention these circumstances, and to throw myself upon the House and the right hon. Baronet, to ensure some means for preventing for the future a repetition of these annoyances to myself and others.

Sir *George Grey* thought the course which the right hon. Baronet had taken very proper, and he hoped the House would not go into a further discussion of the subject then. He would, however, say, that he thought the right hon. Baronet was quite right in not leaving it to the decision of the Select Committee whether the tribunal should be confined to that House or not.

Sir *E. Colebrooke* wished to ask the right hon. Baronet whether it was his intention to appoint assessors competent to advise the Committee on points of law, to form part of the jurisdiction, and give their assistance to the Committee.

Sir *R. Peel* said, that he purposely abstained from making any statement of his opinions on this subject. Consistent with the principle that the Committee should not entertain the great question of the removal of the jurisdiction, he thought it would be better not to prejudge any point to come under their consideration, by making any statement of his own. With respect to the question put by the hon. Baronet, he thought it would be better to leave it to the consideration of the Committee. With reference to the points alluded to by the hon. Gentleman opposite, he thought it would not be well to make judges of hon. Gentlemen who had cause to complain. He thought it well that they should have an opportunity of stating their complaints, but he considered they had better do so in the character of witnesses than judges. As to the other point, he was not of opinion that the costs should follow the decision. If they wished to have cases of bribery and corruption at elections brought forward, they must give some latitude to complaining parties; but that was a question open to decision hereafter.

Motion agreed to.

House adjourned at a quarter before eleven o'clock.

HOUSE OF LORDS,

Tuesday, March 26, 1844.

MINUTES.] BILLS. *Public.*—1ª· International Copyright; Indemnity.

Private.—2ª· Bury Inclosure; Ramsey Inclosure; Blythswood's Estate.

PETITIONS PRESENTED By the Bishop of Hereford, from Burford, against Union of Sees of St. Asaph and Bangor.—By Lord Cottenham, from Frederick Capes, against Ecclesiastical Courts Bill.—By Lord Kenyon, from Denbigh and Flint Agricultural Society, against Alteration of the Corn Laws.—By Lord Campbell, from Edinburgh, against Religious Tests for Professors.

ECCLESIASTICAL COURTS' BILL—COMMITTEE.] On clause 7 (excepting from the general operation of the Bill Royal Chapels, Collegiate, Cathedral, and University Churches, and "the Churches and Chapels of the Inns of Court, and the Preachers and Ministers thereof"),

Lord *Campbell* observed, he should be sorry to see interfered with, those ancient and learned bodies, the Inns of Courts, whose exercise of their rights of patronage had been unimpeachable, and from whose preacherships had risen to the Bench so many eminent Prelates; among whom one of the most distinguished he then had the honour of seeing present.

The Bishop of *London* said, he certainly acknowledged that those bodies had exercised their patronage most conscientiously and creditably; but he really did not quite see why the lawyers—*custodes legis*,—should be exempt from the general operation of this Bill.

The Lord *Chancellor* remarked, that it had been considered proper under all circumstances, and particularly with respect to the private statutes of the bodies in question.

Clause agreed to.

On Clause 8.

Lord *Cottenham* observed, that this Clause proposed to establish a new principle. It was for continuing the Diocesan Courts, and he objected to that Clause standing part of the Bill upon the discussion that had taken place the other evening, and he had said all that he could say upon the subject, and he therefore did not mean to address them at any length on the present occasion. He hoped, however, that before noble Lords went to a division on the Question, they would consider what it was that the Bill proposed, and what was the weight of authority against that proposition. The Bill proposed to continue, under certain regulations, which would make them perpetual, the Diocesan Courts—that was, a Court in each Diocese in England and Wales. This was a proposition that was not only condemned by all those who had considered this subject, but it was also condemned by the reports of two Royal Commissions—by the reports on the Ecclesiastical and the Admiralty Courts—it was condemned by two reports of Special Committees, one of that and one of the other House of Parliament. It was condemned in the Measure of the Government that preceded the Government of noble Lords opposite; but, above all, it was condemned by the present Government itself. It was condemned by some of the most influential Members of the Government, including the head of the present Government. It was condemned by the present Government, as a Government; for by the Bill brought in by them last Session, they proposed the abolition of all the Diocesan Courts. Before, then, noble Lords were called upon to vote in favour of the Clause, they had to consider whether they would perpetuate an evil in the country without a single reason being offered in its favour. What was the inconvenience to be avoided by perpetuating these Courts? That doing so would interfere with the interests of certain local practitioners in Local Courts. Here, then, they found that the Government had not the courage to propose a Measure that they felt to be right, even though in doing so they might be assured of the support of those who were usually opposed to them. The Government were not only too weak to carry out their own Measure, but they had not even the courage to attempt it. Last year their Bill abolished all these Diocesan Courts, and this year their Bill perpetuated these very Courts. Such was the position of the Government.

The Lord *Chancellor*, in answer to the observations made by his noble and learned Friend, had to state that this Bill carried out many of the suggestions made by the Commissioners. In the Bill that was brought in last year an Amendment was made in the Committee of the other House, retaining the Diocesan Courts. Those who were responsible for the present Bill introduced it in the state in which it had last year left the House of Commons, and in that state they now expected to find it pass the other House. The Bill now contained so much of good that he was satisfied to have it passed in its present state. If after the Bill passed, his noble and learned Friend proposed a Measure with respect to the Diocesan Courts, it should have his best consideration. It was too, intended by this Bill, that the Diocesan Courts should be established not in the way in which they had hitherto existed. They would be placed in an improved state, although it was not meant that the present arrangement should be final; for if after the Bill passed, it were found that the Diocesan Courts did not faithfully discharge the duties entrusted to them, then Parliament would certainly interfere. It was to be observed that Lord Stowell's Bill corresponded with the scope and object of the present Bill. He denied that the Diocesan Courts were incompetent to perform the duties entrusted to them. There were three or four Courts in which justice was as well administered as in any Court of the country—for instance, those Courts over which Mr., Granville Vernon, Dr. Phillimore, and others presided. Were these Courts general, and judges of knowledge and ability placed at the head of them, there was no reason to suppose that the Administration of the Law would not be well and faithfully conducted.

Lord *Campbell* was gratified to find that his noble and learned Friend did not designate the plan for abolishing the Diocesan Courts as "Jack Cade legislation"—he did not denounce it as spoliation or plunder, nor an interference with the sacred rights of property. But his noble and learned Friend knowing that the abolition of these Courts would be a great improvement in their institutions, what reason did he assign for abandoning the measure by which they might be abolished and abandoning, too, that measure, it being his own? He must say, that in this respect his noble and learned Friend acted as a most unnatural father. They were told over and over again that the Ecclesiastical Courts Bill, abolishing those Diocesan Courts, was framed with the full concurrence of the Government. The Bill of 1835 had that object in view. It was approved of by those opposite, and left as a legacy to their successors. The Bill of 1835, abolishing contentious jurisdiction in those courts, was approved of by his noble and learned Friend. In 1836 his noble and learned Friend approved of that principle in a Committee of that House. His noble and learned Friend approved of it last year. It had the entire approbation of the Government. There was no difference in the Cabinet on the subject. It was supported by Sir Robert Peel, by the Attorney General, and by Sir James Graham. They, in a manner which was to be expected from their talent and learning, showed the extreme mischief arising from the Diocesan Courts. If his noble and learned Friend would look to *Hansard*, he would find there a most eloquent and elaborate speech from Sir Robert Peel against the Diocesan Courts. Why then were they to be now preserved? His noble and learned Friend spoke of making an experiment with them. These Courts had subsisted for a thousand years and it was on account of the abuses of these Courts and their inherent bad qualities, that their Lordships were now called upon to abolish them. His noble and learned Friend had drawn a distinction between the Courts of Peculiar and the Diocesan Courts, and yet it was impossible to say why the one class of courts should be abolished and the other preserved. Why, he asked, abolish the one and continue the other? It was said, that not much business was done in the one — apply this same reasoning to the other, and they too should be abolished. But then, if they looked to antiquity, like Sir Robert Inglis; if they were to have a matter preserved because it existed in the reign of King Stephen, then they ought to preserve all these courts. Now, as to the cases brought from the Archdiocese of York before the Privy Council, he could say, and he appealed to his noble and learned Friend (Lord Brougham) if they were not full of the grossest blunders, and constantly followed by reversals. [Lord *Brougham* "Hear, hear."] If, then, that were the case with the Archdiocesan Court of York, what must be the state of the distant Diocesan Courts in England and Wales? If probate were not granted out of the right Court, it was declared by his noble and learned Friend to be void. Let them see all the consequences likely to follow from the continuance of these Courts. By perpetuating these Courts they kept up the system of Proctors, and the public was saddled with an enormous expense. There were to be two sets of agents, where the public would be much better served by one. The truth was, that the only defence of his noble and learned Friend was, that he could not carry the Bill—those opposite could not carry that which they thought for the benefit of the public. It was for them, then, to consider, whether under such circumstances, they ought longer to attempt to carry on the Government.

Lord *Brougham* agreed with the opinion expressed by his noble and learned Friend as to the Diocesan Courts. None of them had a good Bar, and many of them were without good Judges. They had neither eyes nor head. He thought, however, there was much good in the Bill; and if he could not go at a full pace, he must be satisfied to go at a half pace. It was, too, his opinion, that the Courts were improved by this Bill, for good judges were to be given by it to these Courts.

The Committee divided on the question that the Clause stand part of the Bill:—Contents 47; Not Contents 20: Majority 27.

List of the CONTENTS.

Archbishop of Canterbury
Lord Chancellor

DUKES.
Buccleuch
Wellington

MARQUESSES.
Ailesbury
Camden
Cholmondeley
Salisbury
Winchester

EARLS.
Beauchamp
Cathcart
Clare
Dalhousie
Delawarr
Falmouth
Haddington
Hardwicke
Jersey
Liverpool
Longford
Malmesbury
Ripon

St. Germains
Shaftesbury
Sheffield

VISCOUNTS.
Beresford
Canning
Hawarden
Strangford

BISHOPS.
Bangor
Exeter
Hereford
Lichfield
Llandaff
London
Peterborough

LORDS.
Boston
Brougham
Farnham
Feversham
Kenyon
Middleton
Ravensworth
Redesdale
Sondes
Tenterden
Wharncliffe

List of the NOT-CONTENTS

MARQUESSES.
Clanricarde
Headfort
Lansdowne
Normanby

EARLS.
Auckland
Besborough
Clarendon

VISCOUNTS.
Melbourne
Ponsonby

BARONS.
Beaumont
Campbell
Colborne
Cottenham
Crewe
Dinorben
Kinnaird
Monteagle
Sudeley
Teynham
Vivian

On Clause 9,

Lord *Cottenham* complained of the closeness of the Courts at Doctors' Commons, both as respected Advocates and Proctors. No person was admitted to plead who was not admitted an Advocate of these Courts, and none but Proctors expressly admitted were allowed to practise. No persons pleading at the bar of other Courts, however great their experience, or however high their professional attainments, were allowed to practise as advocates, and no attorney or solicitor could act as agent. If a party wished to employ his own confidential solicitor or attorney it was done by engaging a Proctor on condition that he should not interfere in the business, but should receive all the fees. The monopoly was one which was very injurious to the public, and had been much abused, and he hoped his noble and learned Friend would be prepared at a future stage, to open these Courts, both as respected Proctors and Counsel.

The *Lord Chancellor* said, he had had communications with different persons belonging to the Ecclesiastical Courts, and he had found them extremely intelligent and perfectly conversant with the business in which they practised. After all the inquiry he had made, he did not think that the class known by the name of Proctors, were liable to the observation made by his noble and learned Friend, as to their competency to discharge all the duties required of them, there being men of great learning and great intelligence amongst that class of persons. It would be impossible to abolish their exclusive privilege without compensation, and the amount was so heavy that it rendered the measure impracticable in 1836. The abolition of the Six Clerks in the Court of Chancery had cost upwards of 40,000. With respect to the bar of the Civil Courts, the Advocates were brought up at the Universities, and were men of much learning, and in time of peace their fees were small. It was of the utmost consequence to the country that there should be a number of persons who applied themselves to the study of the Civil Law, so as to make themselves masters of learning applicable to questions of national law that arose between this and other countries. Upon the ground of policy, therefore, he must resist the suggestion of his noble and learned Friend in respect to the Bar, and as to the Proctors, on the pecuniary ground, that it would be impossible to effect the object without a charge upon the public which it would be utterly impossible to impose.

Lord *Cottenham* could not understand the fondness of his noble and learned Friend for Proctors in Doctors' Commons, when he had surrendered the cause of the Six Clerks in his own Court—both classes of officers standing precisely on the same footing. There was, however, an anomaly in the practice of these Courts to which he wished to call the attention of his noble and learned Friend. In some of them a party was not allowed to appear in person but must employ a Proctor. He could not do what in other Courts was considered a right of the subject, although it was one which it was not always thought wise to exercise—namely, to plead his own cause. Would the same privilege be allowed to suitors in the Ecclesiastical Courts, that were given in several of the Law Courts?

The *Lord Chancellor* said, that the object which his noble and learned Friend sought to accomplish would be effected by the provisions of the Bill; or, if it were not, he should take care that the suggestion should not be lost sight of. With respect to the power of suitors pleading in their own causes, he remembered an instance in which a man pleaded for himself, in a case before him, and, in consequence of some experience which he had of the individual, he appointed ten o'clock in the morning for hearing the case. The individual commenced addressing him at ten, and continued until a late hour in the evening, when he said he was so much exhausted, that he was unable to proceed further, and he put it to his (the Lord Chancellor's) humanity, whether he would not allow him to refresh himself, as he was unable to proceed further without some rest. He (the Lord Chancellor) agreed to the request, and the greater part of the next day was consumed in the remaining portion of his address. There was another case of the same sort that occurred in his Court more recently. He did not think such a practice at all tended to facilitate the administration of justice; but he would take care, if his noble and learned Friend's suggestion was not already sufficiently provided for, it should be by a subsequent Clause of the Bill.

Clause agreed to.

Remaining Clauses agreed to.

House resumed.—Report to be received.

House adjourned till Thursday.

HOUSE OF COMMONS,

Tuesday, March 26, 1844.

MINUTES.] BILLS. *Public.—Reported.*—Mutiny; Marine Mutiny; Parishes (Scotland); Night Poaching Prevention.

3°· and passed:—Dean Forest Encroachments.

Private.—2°· Maryport and Carlisle Railway; Nugent's Naturalization; Brighton and Chichester Railway; Stratford and Thames Junction Railway; Cwm Celyn Iron Company; Colchester and Harwich Railway (No. 2).—Manchester and Birmingham (Macclesfield and Boynton Branches); Brighton, Hastings, and Lewes Railway; London and South Western Railway (No. 1); Manchester Improvement; Manchester Police.

Reported.—Midland Railways Consolidation; Turner's Railway.

PETITIONS PRESENTED. By Mr. Hutt, from Australia and Merchants, and from the Cape and Merchants, for Admission of Australian and Cape Corn.—From North Berwick, for Alteration of Prisons (Scotland) Bill.

TOLL ON LIME (WALES.)] Colonel *Wood* rose to ask leave to introduce a Bill to exempt Lime from toll conveyed on any turnpike-road in the Principality of Wales. Though he held a large blue book in his hand, the House need not imagine that he would consume its time by a long speech; but as he was advocating the cause of a very poor country he hoped he should receive the sympathy and indulgence of the House. He wished his motion to rest on its own intrinsic merits. By the General Turnpike Act, every description of manure, with the exception of lime, was exempted from toll; and thus farmers might send their teams to large towns in the neighbourhood for the purpose of bringing home manure toll free. But the poor farmers in Wales were out of the reach of these great towns, and had no other manure but lime. The charge for lime for a small cart drawn by two small horses was 2*s.* 6*d.* and the toll was 6*d.* a horse; so that when the lime was brought to the farm the farmer had paid 3*s.* or 4*s.* in the shape of toll, or more than cent. per cent. the cost of the lime. He might be told that the roads had been constructed for the conveyance of the lime, and if the toll was removed the roads could not be maintained. Hon. Gentlemen seemed to forget the principle upon which these roads were originally made. Turnpike roads were the exception, not the rule, for every road was properly maintained by the parish, and formerly turnpike-acts were only granted for twenty-one years. The tolls were most irritating, and were the cause of the late outrages in Wales. The hon. and gallant Member proceeded to read various documents, purporting to show that even if the toll upon lime was abandoned, the turnpike tolls in the county of Brecon would produce sufficient to maintain the roads, and to allow a surplus. If he were permitted to introduce a Bill, he would not proceed with it if Her Majesty's Ministers would originate any Measure on the subject. The Commissioners had recommended that the debts on the roads should be taken by the landlords, and charged upon the county rates. All he could say was, that as a landlord, he was perfectly willing to take his portion of the debt upon himself, and to exonerate his county from tolls altogether. Some arrangements of that sort must be effected, and the multiplicity of trusts which unfortunately existed in some parts of the principality must be either extinguished or consolidated. He entreated the Government to concede this boon of exoneration from tolls to the inhabitants of Wales, by which they would secure the peace and tranquillity of their mountain glens, and happiness and contentment to a moral, a religious—and though to an excitable—a kind-hearted people.

Mr. *Hume* objected to the exemption proposed by the hon. and gallant Member for Brecon, because he conceived that no sufficient ground for such exemption had been shown. The relief the hon. Member proposed to give the farmer would, in fact, be a relief to the landed proprietors, exempting them from a tax which other parties were compelled to pay. But he also objected to the Bill, as involving an interference with established rights. The Turnpike Trusts had been established by Act of Parliament, and the Commissioners stated that the turnpikes could not be maintained without the exaction of these tolls. If this Bill were carried out it would exempt from the payment of toll the very property for the convenience of which the Trusts were erected; it would aggravate the existing evils, and benefit only the landed proprietors.

Mr. *M. Sutton* did not rise to oppose the introduction of this Bill. He thought, under the circumstances, the House might give the hon. and gallant Member leave to bring in the Bill; but, at the same time, he was bound to state that this was, he feared, the last occasion on which he could concur with the hon. Mover with regard to this Bill. He did not agree with the hon. Member who had just sat down, that the exemptions proposed by this Measure would give any unfair advantage to the agriculturists. He thought it right to state, however, in order that no false hopes might be raised among farmers interested in this Measure on account of there being no opposition on the part of Government to the introduction of the Bill, that the Government could not support the Measure in its future stages.

Mr. Alderman *Thompson* thought, that unless the whole system of Turnpike Trusts in Wales was examined and revised, the people of the Principality would not be satisfied or contented. He considered that the Turnpike Trusts in Wales had been the subject of gross neglect and abuse. If this was the only measure intended to be proposed with a view to allay the existing dissatisfaction in the principality, he thought the House should reject the Motion, for he conceived a great deal more was required.

Sir *J. Walsh* was convinced that great dissatisfaction would be felt in Wales if the House refused to entertain the Measure. But, however desirous he might be to relieve the farmers from the payment of these tolls, he felt it would be extremely difficult to carry the principle to its full extent without involving injustice to some classes in the principality. He wished to take this opportunity of calling the attention of Her Majesty's Government to the subject of the grievances of which the people of Wales complained. The appointment of the Commission of Inquiry by the Government had, he believed, had a most sedative effect upon the very excited state of public feeling which existed some time since in Wales; but the people of South Wales had, he believed, been looking forward with great anxiety to the proposition of some legislative measures founded on the Report of the Commissioners. He knew that the subject was one of great difficulty, and requiring very mature consideration; and he by no means wished to pledge himself to all the recommendations contained in the Commissioners' Report. At the same time, he wished to take this opportunity of assuring Her Majesty's Ministers, that the attention of the people of the southern portion of the Principality was anxiously directed to the proceedings of Parliament during the present Session; and that a very confident expectation was entertained that some legislative measures would originate from the Government, and he was afraid, if that expectation should unfortunately be disappointed, some recurrence of those disturbances which lately occurred in that part of the Principality might again be feared.

Mr. *Labouchere* said, they had heard from the hon. Baronet who had just sat down, that this was a subject on which great excitement and expectation prevailed in the Principality of Wales —that the people were anxiously looking forward to the adoption by this House of some legislative measures to redress the evils of which they complained. The hon. and gallant Member (Colonel Wood) now introduced a measure, not relating to tolls generally, but to exempt lime from the payment of that impost. The hon. Gentleman the under Secretary of State (Mr. M. Sutton) had said that he would vote for the introduction of this Bill; but he added, "I give notice to the gallant Officer that this is the last vote he will get from me; I intend to oppose the Bill in its future stages." Now he feared that while the people of Wales saw that the hon. and gallant Officer had introduced a measure of this nature, they would not be acquainted with the grounds on which the Government, supporting the Bill in its present stage, declared their intention of opposing it in future. If it was the opinion of the Government that no beneficial effects could be produced by this measure, he doubted whether the House would act a judicious part in assenting to its introduction; for such a course might produce great disappointment in Wales. As far as he understood the Bill, he must say that he thought wholly to exempt lime from toll, while toll in other respects was left unaltered, was a course which would be far from satisfactory. Unless, therefore, some reasons were given by the Government for the course they proposed to adopt, he should be inclined to vote against the introduction of the Bill. This was a measure of a very simple description, and if the Government had made up their minds to resist its principle, he thought they would act the fairest part in saying so, and taking the opinion of the House on the subject.

Sir *J. Graham* said, the House would recollect that, on a former occasion, when the hon. and gallant Member had given notice of his intention to move for the introduction of this Bill, the Motion was, at his instance, postponed till this evening. He had suggested that postponement, because he was anxious that his hon. Friend and the House should have the advantage of seeing the Report of the Commissioners, which dealt with this very subject. He had hoped that after the perusal of that Report, his hon. and gallant Friend would not have persevered in his Motion. He was most decidedly opposed to the remission of toll on lime in South Wales; and he must repeat the declaration of his hon. Friend (Mr. M. Sutton) that it would be his duty to oppose this Bill. The hon. Member for Taunton (Mr. Labouchere) must however, be aware that it was not unusual, under such circumstances as existed in the present case, to permit the introduction of a Bill. The hon. Mover (Colonel Wood) represented a Welsh county, and had long enjoyed the confidence of its constituency, and he thought there could be no objection to the introduction of his Bill, with a view to its being printed and circulated in the Principality. An opportunity would thus be afforded of ascertaining the feelings of the parties whose interests this Measure would affect.

Mr. *F. T. Baring* was sure the hon. and gallant Member (Colonel Wood) would not suppose that the Opposition to the introduction of this Bill arose from any wantof courtesy towards him. He thought that in common cases there might be grounds for allowing the introduction of a Bill, to which objections might exist. But they must consider what was the present state of the Principality of Wales, and what expectations they were raising when they allowed the introduction of a measure of this nature. This Bill referred to a subject of great interest in Wales; and he thought they would not be acting wisely in allowing the introduction of the Bill with the intention of rejecting it in its second stage. The Report of the Commissioners had been presented, and that Report, he apprehended, must come under the consideration of the Government, and he thought it would not be prudent to introduce such a Bill as this, which dealt with one of the smallest questions noticed in the Report, if they intended to reject it in its next stage.

Mr. *Morris* supported the Motion, but observed, that in many cases money had been borrowed from widows and persons in comparatively humble circumstances upon the trusts, and he wished to know if the hon. and gallant Member was prepared to introduce into this Bill some provision for affording compensation to such persons.

Sir *W. Jolliffe* thought the principle sought to be introduced into Wales by this Bill ought also to be applied to England. On some Trusts lime was exempted from toll for agricultural purposes; but in other cases the small tenants were prevented from obtaining that material, which was cheaper than any other manure, in consequence of heavy tolls.

Mr. *Darby* said, that in many cases parties had advanced money on Turnpike Trusts on the faith of this toll on lime; and if they at once abolished that toll, the parties who had made such advances would be deprived of any return for their capital.

Mr. *G. R. Trevor* had no doubt that the Motion for leave to introduce this Bill was made by his hon. and gallant Friend from the best possible motives, but he was afraid it would be the cause of great difficulties in that part of the country to which they were both most warmly attached. It was impossible not to see that there was considerable difficulty in dealing with this question, looking to the amount of debt which had been incurred in the majority of cases, necessarily, no doubt, for the improvement of the roads of the Principality. Considering how great an amount of the interest of this debt had to be provided for from the toll on lime, and how great a portion would be deficient if the whole toll were abrogated, he thought his hon. and gallant Friend would have done better if he had abstained from bringing in the Bill, especially after the Commissioners' Report had been laid before the House, recommending a specific remedy. Of that remedy he would say nothing until he saw it embodied in a Bill; but with respect to much contained in the Report he went along with the Commissioners. He did not believe that this toll upon lime had anything to do with the commencement of the disturbances. Of that he was positive; he knew that the first gate attacked was one through which scarcely any lime was ever carried, and the greatest multiplicity of gates and side bars appeared to exist in the neighbourhood of lime rocks almost the last attacked at all. The effects of this Bill, would be, first to injure the credit of the Trusts, and to add most materially to the burthens pressing on the poor farmers in one part of the country, for the purpose of relieving the others who resided in another part. He would not oppose the introduction of the Bill, but for the reasons he had stated, he could not give it his support.

Lord *Ebrington* said, that were it not that an opportunity would, he understood, be afforded for a general discussion upon the subject of Turnpike Trusts in the course of the present Session, he should have embraced the opportunity of calling the attention of the House to the evils arising from the exemption from tolls of all coaches and carriages carrying the mails. The subject was slightly glanced at in this Report, but he could show that this exemption materially diminished the funds of the Trusts, and obliged the Commissioners to inflict much heavier tolls on other wheels. With reference to the proposition of the hon. and gallant Member for Brecon, he must say, without wishing to be discourteous, that in the present excited state of the Principality, it was undesirable that such a Bill should be brought forward; he therefore felt himself compelled to vote against its introduction.

Mr. *S. Davies* was understood to express his regret that he could not support the measure proposed by his hon. and gallant Friend, because the revenues arising at present from the tolls would not admit of further reduction; he trusted, however, Her Majesty's Government would introduce some general measure on the subject.

Mr. *Vivian* remarked, that in the Swansea trust, with which he was connected, lime had been exempted from toll ever since the year 1764.

Colonel *Wood* in reply, denied that the proposition was a Government measure. He assured the House it was nothing of the kind, but he hoped Government would bring forward other measures to remedy the existing grievances in Wales in the course of the present Session. The House divided:—Ayes 68; Noes 42: Majority 26.

List of the AYES.

Adare, Visct.
Arbuthnot, hon. H.
Bankes, G.
Baring, hon. W. B.
Barnard, E. G.
Baskerville, T. B. M.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Browne, hon. W.
Bruce, Lord E.
Buckley, E.
Clerk, Sir G.
Corry, rt. hn. H.
Damer, hon. Col.
Davies, D. A. S.
Divett, E.
Douglas, Sir C. E.
Eliot, Lord
Ferrand, W. B.
Fremantle, Sir T.
French, F.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Heathcote, G. J.
Hope, hon. C.
Hope, G. W.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull, rt. hn. Sir E.
Lefroy, A.
Lincoln, Earl of
Lindsay, H. H.
McGeachy, F. A.
Mackenzie, T.
Macnamara, Major
Manners, Lord J.
Miles, P. W. S.
Morris, D.
O'Brien, A. S.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Plumptre, J. P.
Pollock, Sir F.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Rushbrooke, Col.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Staunton, Sir G. T.
Sutton, hon. H. M.
Trench, Sir F. W.
Trevor, hon. G. R.
Vivian, J. H.
Walsh, Sir J. B.
Wawn, J. T.
Wodehouse, E.
Wood, Col. T.

TELLERS.

Wood, Col.
Powell, Col.

List of the NOES.

Aldam, W.
Baring, rt. hn. F. T.
Bellew, R. M.
Brotherton, J.
Busfeild, W.
Cobden, R.
Colebrooke, Sir T. E.
Craig, W. G.

Darby, G.
Dennistoun, J.
Duncan, G.
Ebrington, Visct.
Estcourt, T. G. B.
Ewart, W.
Forster, M.
Hastie, A.
Hawes, B.
Henley, J. W.
Hodgson, R.
Horsman, E.
Hutt, W.
Johnston, A.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lygon, hon. Gen.
McTaggart, Sir J.
Mangles, R. D.
Marjoribanks, S.
Marsham, Visct.
Morison, Gen.
Scholefield, J.
Scrope, G. P.
Strickland, Sir G.
Strutt, E.
Thompson, Ald.
Thornly, T.
Trelawny, J. S.
Tufnell, H.
Wall, C. B.
Warburton, H.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.
Hume, J.
Ward, H. G.

CORN FROM THE COLONIES.] Mr. *Hutt* rose to move, pursuant to his notice, that—

> "The House resolve itself into a Committee of the whole House on the Corn Laws, for the purpose of considering the following Resolution:—'That it is expedient that Corn imported into the United Kingdom from the British possessions in South Africa, India, and Australasia, be made subject to the same duty which is levied on Corn imported into the United Kingdom from Canada.'"

The hon. Member said he begged, in the first place, to present three Petitions in favour of his Motion—one from the merchants and shipowners of the City of London connected with the Australian trade, another from the merchants and others engaged in the trade with the Cape of Good Hope, and the last from parties interested in the prosperity of South Australia. He would proceed to lay before the House the subject of a grievance under which he conceived some of the most valuable and distant of the British Colonies were at present labouring. He hoped he should have the good fortune to enlist attention to this important subject. In the course of the last Session, a Bill had been introduced by Her Majesty's Government, and by the Government had been carried through Parliament, by which certain duties were taken off Corn and Flour imported from Canada, on that occasion the subject had been fully discussed, and on the part of the ordinary supporters of Her Majesty's Government, had received a great deal of unmerited censure. The Measure drew down upon the Government a good deal of what appeared to him unmerited censure on the part of their supporters. The opinions of these Gentlemen were somewhat remarkable. They considered that the welfare of the country depended on the importation of foreign grain being regulated by an ascending and descending scale of duties, and on this point the Government entirely agreed with their supporters. But there was another article in their creed in which he was happy to observe that the Government did not agree with them. He meant that we should always govern our colonies in sole subservience to our own advantage. The right. hon. Baronet rejected this wild notion of the duties that attach to sovereign power. The right hon. Baronet had not thought it right to state to the people of Canada, when they came forward and pointed out the great advantage they would derive from a free-trade in Corn with this country, "True, all you state is perfectly correct, but it is the first duty of the Imperial Government to maintain a high price for Corn in this country, and the concession you demand is incompatible with that duty." Such was not the language which had been addressed to the people of Canada. On the contrary, the language used by the right hon. Baronet at the head of the Government, by the noble Lord, the Secretary for the Colonies, and by other Members of the Government, had been of a very different character when they severally recommended the Canada Corn Bill to the adoption of Parliament. The right hon. Baronet recommended that Bill by stating it was a measure which would give great encouragement to the agriculture of Canada—that it would augment Canadian commerce; and that, being just and reasonable in itself, it would necessarily cement the union between the parent country and its Colony. It was on these grounds, following (as he was proud to do when he could with consistency) the right hon. Baronet, that he now came forward to ask for a relaxation of the Corn Laws in regard to the British Colonies in South Africa, India, and Australasia; and to place them on the same footing as Canada. It appeared to him, indeed, that those Colonies to which he referred had a far stronger claim to this indulgence than ever could have been made out for Canada. In the first place, these Colonies were separated from this country by a much wider distance, and were, therefore, more exposed to the vicissitudes of the sliding-scale of duty, they were further separated than Canada from any other Corn-producing country, and in addition to all these considerations, there was this further important fact—that Parliament had already applied the relaxation he contended for to one portion of the British colonial possessions. Why to one portion exclusively? Why should the people of Australasia and of the Cape of Good Hope and of India not have the same benefit dealt out by legislation as Canada. True, they had never risen against the authority of the mother country—but they were members of the same community—the subjects of the same Sovereign, and they were entitled to the same favour and protection. This was not like the case of Nova Scotia and New Brunswick, both of which Colonies had been perhaps properly excepted from the advantages given to Canada. They had been excepted because the Government contended that those two Colonies never produced sufficient Corn for their own subsistence, and consequently, if they could have derived any advantage from being included in the Canada Bill, it would be given to smuggling, and not to legitimate commerce. This, however, was not the case of the Eastern Colonies; on the contrary, he thought he should be able to show, that their circumstances in regard to Corn were precisely the same as those of Canada. The right hon. Baronet (Sir R. Peel) when recommending the Canada Corn Bill to the House, and the other members of the Government who took part in the debate, stated that Canada generally produced a larger quantity of Corn than was necessary for the subsistence of her own population, and was in a position to derive great advantages from the relaxation of the law. The whole case of the Government rested upon this fact. They said Canada was a Corn-producing country, and could afford to export Corn. He thought that it was in his power to establish that all the Colonies which were embraced in his Motion came within the denomination of Corn countries, and could export Corn. Australia was peculiarly adapted for the cultivation of Corn. It was true that the district round Sydney was in some degree an exception; but even in Sydney, Corn had occasionally been produced in sufficient abundance to be used in feeding cattle; and in the southern districts of New South Wales, it had always been a very successful article of cultivation, produced in great abundance and at small cost, and exported to other countries in that part of the world. But the great granary of the southern district was Van Diemen's Land and South Australia. It appeared by Papers which he had moved for, and which were on the Table of the House, that during last year a considerable portion of Corn had been imported into this country from Van Diemen's Land. A large portion of Corn had also been exported from the same place to Mauritius and the Islands in the Eastern Seas. A quantity of Corn, not less than 1,300 quarters, had been imported from Van Diemen's Land into our own ports for the first time last year. The event was a remarkable one in the annals of Australian commerce. If that experiment had failed, many years would have elapsed before it would have been tried again. But it quite succeeded. The wheat so imported had been examined by the corn factors of Mark Lane, and they had pronounced it to be excellent, both as to quality and condition. After deducting the duty which had been paid, a handsome profit had been left to the importers. Considering the state of the money-market, considering the difficulty which the large capitalists had of finding any new branch of commerce with which they could profitably engage, he need not remind the House, that the experiment to which he had referred would be repeated on a large scale. Having examined the wheat which had been imported, he must say, that he never saw Corn equal to it either in appearance or quality. The whole of the wheat imported into our ports last year from Van Diemen's Land paid a duty of 5*s.* The greater portion of this wheat sold at a price varying from 60*s.* to 62*s.* per quarter. Such was the purity of the Australian climate, that the whole of that Corn arrived in this country in a perfect state of preservation. It had not suffered any injury from the heat to which it had been exposed during the voyage, and when imported into the port of London it was found to be as good and perfect as when placed on board the ship in Australia. It appeared by a paper published in the colony, and which he held in his hand, that the expense of bringing a cargo of wheat to this country was as follows:—The cost of wheat in Van Diemen's Land was 38*s.* per quarter; the duty amounted to 5*s.*, the freight was 10s. per quarter, making in the aggregate, including freight and all charges, 58*s.* per quarter. There was one fact in connexion with this subject to which he was desirous of calling the particular attention of the right hon. Gentleman the President of the Board of

Trade. The alteration which had been made the year before last in the duties payable on all those articles which entered into the construction and victualling of a ship would have the effect of very much diminishing the amount of freight, and thus remove some of the obstacles which before impeded the importation of Corn from distant countries. He trusted that the day was not very far distant when the condition of the ship-owner and the shipping interest would be very much improved; but freights, though profitable, would never again recover their former standard. He wished to direct the attention of the House to a letter which he had received from a cornfactor of Mark-lane, Mr. C. J. Heath, who pronounced the Australian wheat to be as good as any grown in the counties of Kent or Essex. That Gentleman also stated, that owing to the excellent order in which it was "got up," it was peculiarly suited to long voyages. This was fully confirmed by the experience of the past year, when many ships arrived in this country with wheat from Australia in very good condition. He felt certain that such wheat would find as ready a sale in the British markets as English wheat. He had another testimony to the same purport. Papers had been placed in his hand signed by various parties connected with the Australian colonies: they were signed by many highly respectable merchants of the city of London. They all affirmed that the Australian wheat was well fitted for importation. The only drawback was the high duty levied upon it in this country. If that duty were lowered it would produce a two-fold beneficial effect. It would lead to a large importation of Corn, and in consequence of the increased demand, greater attention would be paid, and encouragement extended to the agriculture of these colonies. Such was the case he had to lay before the House with relation to Van Diemen's Land. He would then proceed to South Australia. It was an extraordinary circumstance that a colony which was founded only six years and a half back should now hold a conspicuous place among the colonial possessions of this country. Such a happy state of things was to be attributed to the spirit of its inhabitants, and to the wisdom of the principles upon which the colony had been originally established. Let the House recollect that only a few years back this colony was quite a wilderness—peopled by houseless savages. That colony was now the seat of a large British community, carrying on all the operations of productive industry. He was called upon to do his utmost to advance the interest of that colony from special and peculiar circumstances. He was with others among the first to recommend the formation of the South Australian colony. In addition to that he had for many years acted as one of the Commissioners connected with South Australia. All he asked for that colony was, that it should be placed on the same footing as our Canadian possessions. He found, by one of the journals published in that colony, that its agriculture was in a most prosperous state, the corn-fields were in a very promising condition; but it was stated that, unless they had fresh outlets for their agricultural produce, they would be compelled to discourage the growth of corn. All they wanted (the writer went on to say) was a new market. "What market," it was said, "could be so conducive to the interest of the colony as that to be found in their own native land?" "The markets of England invited the importation of corn from South Australia." The people of that colony were anxiously looking forward for that measure of justice which they had a right to expect from the Government of this country. It was said, in letters dated the 7th of May and the 28th of June, 1843, that a large quantity of Corn had been grown, much greater than last year. One letter referred to the great shipments of corn which had taken place; but there was one fact of great importance in relation to the subject, and that was, that large orders for corn had been sent out to South Australia, the execution of which was made contingent upon a reduction in the price of freight and the success of the motion then under the consideration of the House. He would next refer to South Africa, the state of which was not very different from that of Australia. With regard to India, strong as the case of South Australia was, the case of India was still stronger, and called more loudly upon the House for legislative interference. The great grievance of that country was the unceasing drain upon its resources arising from its connexion with Great Britain. The fortunes amassed by all who rule and by all who trade in India were remitted in order to be spent in England. The public tribute drew another three-and-a-half millions of sterling money in order to pay debts contracted by our wars. Any nation would stagger under such deteriorating influences, and it was clear that such injuries as we were inflicting could only be compensated for by good government. Should we then refuse to India the advantages we gave to Canada? It would be said, perhaps, that it would confer little benefit on India to give facilities for the admission of its corn. Those who were best acquainted with the country, however, were of a different opinion. There was scarcely a mail which came from India that did not bring some expression of opinion, through the public press or otherwise, upon a point which was considered of such consequence to the commerce of the country. It was represented that corn could be shipped to England from Bengal at a freight of from 15*s.* to 16*s.* per quarter. It was declared, too, that India had the capacity of supplying any demand that might be made upon her. A large extent of fertile territory might without difficulty be speedily adapted to the purposes of agriculture. So impressed were the members of the Agricultural Society of Bengal with these points that they appointed a Committee to negociate upon the subject with the Government at home. Nor was it wheat alone that could be exported. Flour might be, and had been, imported in considerable quantities. He had received a communication from Messrs. Rawson, Norton, and Co., merchants in this city, in which they told him that they imported from India from 2,000 to 3,000 tons of flour annually, and that a house in Liverpool was also largely engaged in the same trade. They added their firm conviction that from the preference lately given to Canada this trade would come to an end, and he had indeed seen a letter which Messrs. Rawson and Co. had written to their Bengal correspondent warning him that it was indiscreet to make large consignments of Indian flour, as the flour trade with India must, after the Act of last year, be considered at an end. These were facts, and having stated them he now came to the conclusion of his address. When they looked at the state of the country—at the misery and crime which were accumulating around them—they could not fail to arrive at the conclusion that this was not a time to repress commercial industry. Only a night or two ago they were told that such was the state of society at present, and so deranged was its general economy, that they were not only justified, but that it was essentially necessary to interfere with the free market of labour. Would they in such a state of things, so interfere with the operations of commerce as to prejudice that most important of their colonial possessions? There could be no doubt that the addition of a corn trade would be to our colonies a considerable advantage. Did they think those colonies of such little consequence that they could refuse them such advantage? If not, how, he should like to know, were his arguments to be met? Would they contend that, because only a small quantity would be exported, therefore no encouragement at all was to be given? Why, if only a small quantity was exported now, a larger might be exported when the benefits of the trade were duly appreciated. If the quantity likely to be exported had been large, too, there were not wanting those in that House who would instantly have declared their opposition to the motion on the ground that it would interfere with the consumption of home produce. Let them not, then, imitate the charlatan of Moliere, and say both "yes" and "no" to the same proposition. For his own part he considered it as an advantage that the importation was likely to be small at first. "Oh! but," somebody else would say, "you will disturb the Corn Laws." Why, had they not disturbed the Corn Laws already? It was, surely, not his fault that, in their anxiety to pacify Canada, they had overlooked the interests of the rest of their Colonial Empire. He was doing his duty in calling on the House to overlook those interests no longer, but to take a step which must inevitably serve them whilst it did no injury to others. There was, he knew, another section whose opposition he would have to meet—he meant that class of rich and comfortable persons who were worried by every anticipation of a change in the corn law. But, were they to be guided by the morbid apprehensions of a few vapouring individuals, when every consideration of justice, of equity, of policy, and of consistency called upon them to take a particular course? They must remember that it was possible by arbitrary and vexatious laws to alienate the British Colonies and to lose them—to convert them into quarrelsome and imperious States, delighting in thwarting the mother Government and barricading their shores against her commerce. On the other hand they possessed, if they pleased to employ it, the power of cementing the natural union of a common origin by a bond of reciprocal good will. Of this alternative they would do well to take advantage. "Deal with your Colonies," said the hon. member, "on the principle of a generous and liberal policy, and depend upon it nothing will estrange them from Great Britain; but make them the victims of your commercial monopolies, treat them with neglect, treat them with contumely, and they will one day throw your alliance to the winds, neither your laws nor your arms will maintain them."

Mr. *Mangles* rose to second the motion, confining himself to that part of the question which related to the commerce of India. The claims of India were second to those of no colony of the British Empire, and there was no reason why she should not receive the benefit of all the concessions which were made to Canada. On no ground whatever ought we to deny every facility to the export of her produce, but yet the Government refused to accept her wheat and flour, which was a part of that produce. As this country had ruined the manufactures of India, they were bound at any rate to take her raw produce. She was now beginning to show how much she could consume of our manufactures. In the three years ending in 1838, the average of exports from this country to India was 3,800,017*l.* In 1839 the exports amounted to upwards of 5,000,000*l.* sterling; in 1840, the year of the latest returns, 6,000,000*l.* Then it must be remembered, India not only paid all the expenses of its own Government and the army maintained there, but remitted, without any return, about 4,000,000*l.* sterling. None but a country so fertile and rich by nature as India could have borne such a drain without any return. He did not say that the price she paid for her connection with this country was too high; on the contrary, he believed that connection was cheaply purchased, even at that price; but in common justice we were bound to afford her every facility for paying that price.

Mr. *Gladstone*: Although, Sir, I cannot agree to the proposition of the hon. Gentleman, I feel great satisfaction in commencing what I am about to say by acknowledging the temperate and fair manner in which the hon. Gentleman generally argues, and declaring that I fully concur in the principles he has laid down in advocacy of the policy of encouraging in every manner the trade between this country and India; and I have some gratification in thinking that the duties which he seeks to reduce are not so great as to prevent those experiments in the corn trade to which he refers. The argument from the difference between 5*s.* and the 1*s.* duty which the hon. Gentleman spoke of, only applies to particular states of the corn market in this country; but, at any rate, it cannot be stated that this duty of 5*s.* prevents experiments in the corn trade. The hon. Gentleman has undertaken to show that the situation of all the colonies whose cause he advocates is analogous to that of Canada; but, so far as regards the *argumentum ad hominem*, the appeal to the Government to follow out the principles we have adopted in the Measure of last Session with regard to Canada, I think it must be allowed that the hon. Gentleman has wholly failed. The proceedings of the House of last year will be found by those who will take the trouble to refer to them to contain repeated statements of the intentions of the Government with respect to the subject. It was urged again and again on the Government, that if they passed the Measure then before the House, they would do that which would be unwise and impolitic, in disturbing the law respecting Canadian Corn. We were repeatedly told this by some hon. Gentlemen who were advocates of the contrary line of policy, and the answer to that uniformly was not the announcement of the principle that wherever you can improve the existing law, you ought to come to Parliament to do it,—that was not the answer that was made; but the answer was made by a reference to pledges given some time before, and by recalling to the recollection of the House that the Canada Corn Bill was to be considered as properly a part of the Corn Bill of 1842. I think, therefore, it cannot reasonably be expected by the hon. Gentleman that he will succeed in fixing on the conduct of Government the imputation of inconsistency if they refuse to agree to his Motion. Having said thus much, I think I need not refer at any length to the repeated declaration of my noble Friend the Secretary for the Colonies in answer to repeated questions put to the Government, as to whether they intended to follow out the principle of that Measure to the other Colonies, in which he did not scruple to indicate (without binding up the Government in all circumstances which might occur) that the question was one which ought not to be lightly raised, and which the Government could not consent to raise again for the sake of the advantages which might be derived by New Brunswick and Nova Scotia, and the other colonies then alluded to. Then, Sir, are these colonies whose interests the hon. Gentleman advocates in the same position as Canada? I apprehend not; I apprehend none of them have petitioned through the medium of the same authority as Canada did. Canada petitioned by her public organ for many Sessions, indicating public opinion in that country so strongly that the House must, I think, agree with me that the petitions now on the Table, to which the hon. Gentleman referred, though proceeding from very respectable individuals—individuals probably many of them engaged in the Corn trade of the Colonies—are not entitled to be considered as saying so authoritatively what is the opinion of the people of those Colonies. The hon. Gentleman wishes to place the Colonies mentioned in his Motion on the same footing, in respect to the export of Corn, as Canada; but though he speaks of the same footing, he has omitted to propose the imposition of the duty on the importation of foreign Corn which obtains in Canada. The hon. Gentleman proposes a resolution—"that it is expedient that Corn imported into the United Kingdom from the British possessions in South Africa, India, and Australia, be made subject to the same duty which is levied on Corn imported into the United Kingdom from Canada." But the hon. Gentleman will recollect that he founds his Motion mainly on the ground of fairness and equal dealing with the Colonies; the arrangement, however, with Canada was, that a duty should be imposed on the importation of foreign Corn into Canada, and that arrangement was an essential part of the Measure of last Session. Therefore, the hon. Gentleman would not put the Colonies to which his Motion refers on the same footing with Canada, if his Resolution were carried, because he does not impose a duty on all such Corn as shall be imported into those Colonies. The hon. Gentleman asks where is such Corn to come from? I will endeavour to tell him. The hon. Gentleman says that these are exporting Colonies. I apprehend scarcely one of them can be called so. One year they are exporting Colonies, the other they are importing. New South Wales may export occasionally, but manifestly it is an importing, not an exporting Colony. The Cape of Good Hope is becoming every year more and more an importing, and less and less an exporting Colony. But, as the hon. Gentleman, in asking that these Colonies should have the right to send their Corn here at a 1s. duty excludes the duty on the importation of foreign Corn, which we have imposed in the case of Canada, therefore I say that, before he can place his proposition on the same grounds as we legislated on with respect to Canada, he must impose in those Colonies the import duty on foreign corn now established in Canada. It is to be considered, that at the time of passing the measure with respect to Canada, there were expectations in Canada of establishing a regular trade in corn or flour from that country to this. Sir, there are other reasons which I may give against the Motion of the hon. Gentleman. A very considerable shock to trade was apprehended in Canada from the alterations made in 1842, and although the Government here did not participate in that apprehension, yet it was felt in Canada, and I consider that the panic which prevailed in Canada—I am not one of those who regard commercial panics as matters of light importance—did furnish no unimportant reason for passing the measure. I repeat that the hon. Gentleman has no reason to say that these Colonies are exporting Colonies. It is true, that in Van Diemen's Land, as the hon. Gentleman shows, it may answer very well at particular periods to send Corn here, but that, I apprehend, must be a rare occurrence; indeed, I think it is perfectly obvious from the circumstances of the Colonies in that quarter, that hon. Gentlemen have no right to calculate upon any supply of corn worth talking of being obtained from that quarter. The hon. Gentleman is as well aware, I dare say he is better aware than myself, that a very considerable importation of Corn takes place into those Colonies from South America; for it is worth while to carry Corn from very considerable distances into those Colonies. Then the circumstances of these Colonies differ materially in different years, but upon the whole, the range of prices shows that they are importing Colonies. Taking a series of years, from 1830 to 1842, we find that in some years the price of Corn in these Colonies is enormous; and in Van Diemen's Land which is more likely than New South Wales to export Corn to this country, in 1839 the price of Corn was 15*s.* a bushel; in 1840 the price was from 8*s.* to 12*s.* a bushel, or from 64*s.* to 96*s.* a quarter; in 1841 it ranged from 48*s.* to 80*s.* a quarter. These were the prices in those years in the Colony of Australia, which is most favourably situated for sending corn to this country. The hon. Gentleman has not paid attention to the returns on the Table of the House, or he would have been aware of this. We have on the Table a return showing the total number of quarters of Corn imported from all countries into this country, from 1828 to 1841; and also the number of quarters exported to all countries during the same period. If the hon. Gentleman will examine that return, he will find in the first place, that England sent to the Australian Colonies a much larger quantity of Corn and Flour than was received by this country from those Colonies; and in the second place, that while those Colonies sent, during the first seven years of that period, though not a large, yet a noticeable quantity of Corn and Flour to this country, yet during the second seven years of that term they sent nothing that could be named. During the first seven years, ending in 1836, the Australian Colonies exported 2,589 quarters of wheat to this country; and during the second seven years, they exported only 19 quarters. Now, during the first seven years, this country sent to those colonies 7,615 quarters of wheat, and of wheat in the form of flour; and during the second period it sent 19,000 quarters of wheat, and of wheat in the form of flour, annually. So that while, during the last seven years, the Colonies were sending nothing to this country, they were receiving from this country upwards of 20,000 quarters of wheat and flour annually. The hon. Gentleman spoke of the levity with which a portion of his remarks was received, as he said, by Members of the Government; perhaps he mistook incredulity for levity; but at any rate he now seems to exhibit incredulity at the statement I have made. I refer him, however, to the returns on the Table. Sir, among other objections, it appears to me, that there is a valid one to the form of the Motion of the hon. Gentleman. The argument of the hon. Gentleman is, that having dealt in a certain manner with a particular product of a particular Colony, we ought to go on and do the same thing, so as to make the system uniform in all our Colonies. Now, it appears to me, that the hon. Gentleman would make more anomalies than he would remove. If he wishes to have the system uniform, why does he not begin and apply to Canada itself the remission of the duties imposed by the Corn-Law on exports of Canadian corn other than wheat? Perhaps he considers that to be insignificant. I am prepared to show that the whole subject matter of his Motion is insignificant. But what is the case with respect to Canada? Canada, on an average of the years 1841, 1842, and 1843, exported of corn other than wheat, 20,000 quarters; and the hon. Gentleman, who rests his case on the analogy to other colonies, has altogether overlooked these exports of Canadian corn other than wheat. Then, there are other points which must be taken into consideration. The circumstances in which these Colonies have an interest in sending Corn to England are of rare occurrence. Van Diemen's Land is an exporting colony, but to nearer countries than Great Britain, viz., to all the other Colonies of Australia with which they have a commerce; they export also to the East Indies; they export to the Mauritius; and I think it is extremely difficult to argue that, with other markets wanting Corn, and the Mauritius so near them, we can establish any trade in corn from Van Diemen's Land to this country. The hon. Gentleman has mentioned the Colony of the Cape of Good Hope. Now, the circumstances of the Cape are analogous to those of the Australian Colonies; it is not an exporting country. It is true that we have had a small quantity of wheat and flour sent here from the Cape of Good Hope at times; and I believe that the wheat of that Colony is as fine as any that is grown on the face of the earth; but I find we send a balance of Corn to the Cape. In the interval between 1828 and 1841, we received from the Cape of Good Hope 11,572 quarters of wheat and flour; but we sent there in that time 27,200 quarters; and if the hon. Gentleman will refer to the returns on the Table, he will find that the exports from the Cape are almost altogether confined to the first seven years, and that in the last seven they have sent here very little indeed. Therefore I meet the hon. Gentleman by saying that these Colonies are not exporting Colonies as far as the market of Great Britain is concerned. They are more importing than exporting Colonies. The hon. Gentleman consequently fails in establishing such a case as would warrant the House in re-opening the question of the Corn Laws, even though the re-opening of that question should do no more than arouse the idle vapours and apprehensions of a few busy, fussy, and fidgetty persons, to quote the language of the hon. Gentleman opposite. When I look at the large number of persons connected with the agricultural interest of this country, I cannot subscribe to the description the hon. Gentleman has given of them, and I cannot think that a panic affecting their operations is an evil of slight magnitude, or one the chance of which ought to be incurred, except for strong and material interests. The hon. Gentleman has referred to the case of India, and I agree with him in thinking that it is desirable that the Legislature of this country should deal on the most liberal and favourable terms with the commerce of India. The hon. seconder of the present Motion has, indeed, justly observed that substantial indications of such a disposition have been given by my right hon. Friend at the head of the Government. I admit that the importations of wheat and flour from India—though they be very small—yet are of greater magnitude than those importations from Van Diemen's Land, which it almost requires a microscope to discover; but I think we have no right to say, under present circumstances, that we can expect a supply of corn or flour from India, except when prices are high in this country. The length of the transit, the changes of climate to which the corn would be subject, interpose material obstacles to bringing it to this country; in fact, the flour is apt to become sour. When the average price of wheat in this country reaches 58s. a quarter, the wheat and flour of India is admissible at 1s. duty; and I ask the House whether there is any probability of India sending in any quantity grain and flour to this country (taking into view the enormous expense of the transit) on an average of years, except when prices are high with us? The latest information supplied to the House on this subject confirms my views. On referring to a return moved for by the hon. Gentleman opposite, stating the quantity of grain and flour imported in 1841, 1842, and 1843, from each of the British Colonies, including India, I find that in 1841, which was a year of high prices, India sent us in wheat and flour, together 13,000 quarters. In 1842, which was also for the first six months a year of high prices, and would have continued so but for a revolution in the state of the weather, 20,000 quarters of wheat and flour were imported from India; being an annual average for these two years of 17,000 quarters. With regard to 1843, there was at the time every probability of its being a year of moderate prices. The actual prices at the end of 1842 were low, and the prospect for the crop of 1843 was excellent. The stock of foreign corn in the country, too, was large; and what effect had these circumstances on the trade with India? Why, that, whereas India sent to us 17,000 quarters of wheat and flour annually on an average in 1841 and 1842, the quantity India sent us in 1843 was no more than 4,200 quarters. If then it be admitted as a general principle, as I conceive it must, that when laws are passed by Parliament after long deliberation, and in the nature of a settlement of a great interest, upon which the application of great capital and the employment of a large amount of labour depended, such laws should not be disturbed, except for an object of considerable magnitude; I must say that the hon. Gentleman opposite has altogether failed in showing us that the object which he purposes to attain is one of sufficient magnitude. Indeed, I think I have shown the contrary. I therefore submit that there is no adequate reason why the House should accede to the motion of the hon. Gentleman, and I deprecate his tone in treating the apprehension of a panic on a subject of this kind as an idle matter, and as unworthy the consideration of the Government or Parliament. I, on the contrary, contend that panics, whether reasonable or unreasonable, which affect the application of capital and the employment of labour, and which may pervade large classes of the community, are not to be disregarded by Parliament, and the less so, of course, if they are reasonable; but they must and ought to be taken into consideration at a time when the House approached a question like the present, and endeavoured to give a decision on it according to the principle of balancing the advantages proposed to be obtained with the evils likely to be entailed.

Mr. *Labouchere* was prepared to place the other colonies on the same footing as Canada. He had resisted the policy of the Government last session with respect to Canada, and he retained his opinions, but still he thought that they ought to deal with equal justice towards the whole of their Colonial Empire; and if other colonies required the same concession as Canada had received they ought not to be refused. The right hon. Gentleman opposite had resisted the present Motion on grounds singularly inconsistent. At one time he said that the practical effect of it would be so insignificant that it would not be worth the while of the House to consider the question; and at another moment he observed that it was attended with danger to the agricultural interest on account of its being calculated to create a panic. He was inclined to think with the right hon. Gentleman, that the nerves of the agricultural interest were not very strong; but he could not, like the right hon. Gentleman, suppose that the agriculturists would anticipate a deluge of colonial corn, if the present Motion should be carried. The great distance of the countries to which the Motion referred from England, of itself constituted a protection to home agriculture; and it was impossible that the importation of corn from those colonies could produce any great effect on the markets of this country. He did not see how the Government having made a concession to Canada could refuse a similar one to our other colonies, should they demand it. He was at a loss to understand what distinction could be drawn in such a matter between Canada and Prince Edward's Island, Van Diemen's Land, Australia, and India. However insignificant the export of grain might now be from those colonies, it was important that principle should be maintained, and on principle there should be equal justice for the different parts of their Colonial Empire. He did not mean to say that the same regulations should be applied to every colony, for the various circumstances under which they were placed ought to be taken into consideration. The only argument used by the right hon. Gentleman the President of the Board of Trade against the Motion was, that it would not do the Colonies any practical good. No possible harm, however, could result from it, if it were made optional for the Colonies to receive or refuse the concession, while, on the other hand, they might be galled by being excepted from the system which had been extended to Canada. Having heard no satisfactory declaration from the Minister, and no assurance that if any of these colonies should apply to be placed on the same footing as Canada, the Government would feel it their duty to consider the question, he should, for the reasons he had given, vote in favour of the Motion. Something had been said of a panic in connection with the present Motion. He only hoped that this question of panic was not to be set up as a bugbear against all improvement. He agreed with the President of the Board of Trade that the Corn Laws ought not to be altered or modified except on good grounds. It was very foolish to tamper with a great law for the sake of slight or immaterial benefits. But this was not a proposition for altering the Corn Laws, but to give equal advantages (if advantages they be) to all our Colonies.

Lord *Stanley* would not detain the House long, for he admitted the subject was exhausted by the speeches which had been delivered. The right hon. Gentleman had commented on the inconsistency of the course pursued by his right hon. Friend the President of the Board of Trade, in first contending that this matter was of slight importance, and then describing it as a measure which might create a panic among the agricultural interest. Now, however unreasonable the hon. Gentleman opposite might think this argument, it was the main one on which he rested his opposition to the proposition. He did not believe that the practical effect of acquiescing in the present Motion would be any serious injury to the agricultural interest, or lead to any large importation of corn from the Colonies; but still he thought it was generally admitted, that if there was one question which it was unwise, above all others, to tamper with, except on a great emergency, it was the question of the laws which regulated the importation of Corn, and exercised so great an influence over the agricultural and other classes. Was it desirable, he asked, to create uncertainty, alarm, and confusion, in the operations of those classes, for this object, comparatively insignificant, but which would be misrepresented as of great importance? The hon. Gentleman opposite said that the Ministers ought to have foreseen that the other Colonies would apply to be placed on the same footing as Canada (though, by-the-by, none had applied). It was not the case, however, that the Ministers had not foreseen this possibility, and in the course of last year, when he introduced the Canada Corn Bill, he distinctly stated that he introduced it as the fulfilment of an arrangement with this country through the Government entered into with the people and Legislature of Canada, and in reliance on which the Legislature of Canada passed certain enactments: that this was an isolated case, and not applicable to other Colonies; and in answer to a question put by the hon. Member for Sussex he stated that

> "The engagement of the Government was he repeated, with Canada, and Canada only. It had made none with any other colony, and had no intention of disturbing the principle of the Corn Laws by any further extension of the principle applied to Canada."

On the same occasion the right hon. Gentleman opposite (Mr. Labouchere) rose and said,

> "He wished to know whether he understood the noble Lord correctly in this,—that it was not the intention of the Government in this session to extend the boon given to Canada to Prince Edward's Island, Nova Scotia, and New Brunswick."

His reply was as follows:—

> "I wish it to be distinctly understood that the course the Government has taken is in accordance with the engagements entered into with Canada, and is not intended to justify other colonies in saying, 'We have complied with the same conditions, and we call on you to give us similar advantages.' It is our desire that we should not be called upon to disturb existing arrangements, on the ground of what we have done with respect to Canada; and it is our opinion that if we should be called upon, such a course would merely tend to disturb an extensive settlement for an unimportant object."

Therefore the hon. Gentleman opposite could not accuse the Government of not having foreseen the possibility of other colonies applying for the concession made to Canada. Was it, then, wise for this object, to disturb an extensive settlement; and was not the Corn Law an extensive settlement, and one which involved extensive interests—interests which were peculiarly sensitive, and with respect to which great uncertainty was productive of continual inconvenience and loss? Was not the object contemplated by the Motion unimportant? Last year he treated, and the House granted as comparatively unimportant, the admission of Corn from Canada at the reduced rate of duty from *5s.* to *1s.* Now, with reference to the imports of Corn in this country, what was the case? It appeared that in the year 1841, out of 68,858 quarters of wheat imported into that country from all their Colonies, 68,854 were imported from the single colony of Canada; and out of 665,000 cwt. of wheat meal and flour similarly imported, no less than 594,000 cwt. came from the single colony of Canada. The proportion in the last year was not quite so great, but still it showed how largely Canada exceeded all their other colonies. Last year they had imported from Canada 207,000 quarters of Corn out of 225,600 quarters from all their colonies, and they had imported 325,900 cwt. of wheat meal and flour from Canada out of 339,000 cwt. imported from all their colonies put together. Now, deduct the importation from Canada, and he asked them whether, if Canada was in itself unimportant, the other colonies were not so in a far greater degree; and whether it would not be most unwise, and whether the argument was not most conclusive against disturbing the settlement of the Corn Laws, for securing such advantages as the hon. Gentleman had anticipated for the Australian colonies from his proposition? It had been observed by his right hon. Friend (Mr. Gladstone) that Australia was not an exporting country, and that it could not export Corn to this country excepting when Corn was dear here. Consequently, when Corn should rise to *58s.* in this country the duty would be only *1s.*, and then practically the object of the present motion would be obtained; for if many of these colonies could export grain to this country at all it must be when prices were high, for below *58s.* they could not. In such a case as he had stated the object of the Motion would be obtained without altering the laws, and without creating any panic. If hon. Gentlemen had proved that prices in this country would permanently rise to such a height that obviously the supply of the country was insufficient for its growing population —if they had proved that they might have from our own Colonies, without reference to other countries, a large and increasing supply to meet that deficiency, which could not be made up at home, he might admit that they had established some case for the motion; but when he considered that the Corn-Law had been adopted by that House only a year or two ago, and when last year he warned the Colonies not to expect a relaxation of that law, he did not think that the House would for a slight, almost an inappreciable, advantage to the Colonies, disturb a general system of laws of infinite importance, infinite delicacy, and watched with the deepest interest by the people of this country.

Mr. *Hawes* remarked, that the very weakness of his hon. Friend's case was its strength, because the more it was shown that the importations of grain would be trifling the less ground there was for any alarm on the part of the agriculturists. He was willing to rest the case upon the smallness of the expected importation, which nobody could pretend would create a panic. The noble Lord overlooked the main ground on which the Motion rested, viz., that it was laying the foundation for a great trade. It was indisputable that the shipping interest of the country was much depressed, and if an importation of corn could be established from the Colonies, it was evident that it must be advantageous to the owners of our vessels. It seemed to matter little in what way the question of the Corn-Laws was touched: the moment a word was said regarding them, Ministers took the alarm, and reiterated their determination that no alteration should be made in them. [*Cheers.*] Those cheers afforded evidence of the determination, if not of Ministers, of their supporters, that the Corn-Laws should not be changed. This might be the resolution of those who sat at the back of the Treasury bench, but the noble Lord did not venture to say that in bad seasons a change should not be made. No Minister would dare to say that; and having set the example as respected Canada, what now was required was, that the same principle and the same justice should be extended to the other colonies.

Mr. *Ewart* thought certain hon. Members of peculiar susceptibility on the subject of the Corn-Laws, could not have been insensible to the remarkable expression of the noble Lord, that the system must be changed in a case of emergency. If there were any motion that ought not to alarm farmers and their friends, it was that before the House, which it was admitted on all sides could introduce only a very small quantity of corn into the country. However, the smallest quantity was too much for the agricultural interest: and let the dose be as infinitesimal and as homœopathic as it might, the landed interest refused to swallow it. He contended that mere justice required that this Motion should be carried, and further went on to advocate the claims of India in particular, for which he had long and vainly sought equal justice. His conviction was, that the country had, in fact, out-grown such a Motion as that before the House; it was a step in the right direction, but far too short for the times in which we lived. The real question at this moment was, whether the market of this country ought not to be opened to the grain of the world? Upon this question the people had now formed a mature judgment, thanks mainly to the agitation of that wise and formidable band of political philosophers, the leading Members of the Corn-law League. The people would only be satisfied with the total repeal of the existing Corn-Laws. He did not expect the landed Members would be inspired with such a sudden fit of generosity as to concede even what was now asked; and perhaps it was better for the general interest that they should reject the Motion, because possibly it might the sooner lead to the entire removal of the present impediments to the free importation of grain from all parts of the globe.

Mr. *Hutt* said there were no just grounds for the alarm that had been expressed. It was his opinion that the first duty of a Colonial Minister was to provide for the welfare of the mother country, and the next to look at the interests of the colonies; but by no means to neglect the latter. He felt that he could not overcome the resistance to this Motion; but he entertained no doubt the time would come when Ministers would regard their present policy with bitter and unavailing regret.—The House divided: Ayes 47; Noes 117: majority 70.

List of the AYES.

Aldam, W.
Arundel and Surrey, Earl of
Bannerman, A.
Barclay, D.
Barnard, E. G.
Bernal, R.
Bernal, Capt.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Clay, Sir W.
Colebrooke, Sir T. E.
Divett, E.
Ewart, W.
Fielden, J.

Forster, M.
Gibson, T. M.
Gill, T.
Hastie, A.
Hatton, Capt. V.
Hayter, W. G.
Hobhouse, rt. hn. Sir J.
Howick, Visct.
Labouchere, rt. hn. H.
McTaggart, Sir J.
Mangles, R. D.
Marjoribanks, S.
Mitcalfe, H.
Morison, Gen.
Napier, Sir C.
Plumridge, Capt.
Rice, E. R.
Russell, rt. hn. Lord J.
Scrope, G. P.
Stanton, W. H.
Staunton, Sir G. T.
Stock, Mr. Sergt.
Strickland, Sir G.
Strutt, E.
Thornely, T.
Trelawney, J. S.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Wyse, T.
Yorke, H. R.

TELLERS.
Hutt, W.
Hawes, B.

List of the NOES.

A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arbuthnot, hon. H.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Baring, hn. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. G. F.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Burroughes, H. N.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Cochrane, A.
Colvile, C. R.
Corry, rt. hn. H.
Cresswell, B.
Damer, hn. Col.
Darby, G.
Davies, D. A. S.
Dickinson, F. H.
Douro, Marquess of
Duffield, T.
Egerton, W. T.
Eliot, Lord
Escott, B.
Fellowes, E.
Ferrand, W. B.
Fitzmaurice, hn. W.
Flower, Sir J.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, rt. hn. W. E.
Gore, M.
Gore, W. R. O.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Halford, Sir H.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Heathcote, G. J.
Henley, J. W.
Herbert, hn. S.
Hervey, Lord A.
Hope, hon. C.
Hope, G. W.
Hussey, T.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull, rt. hn. Sir E.
Lawson, A.
Lincoln, Earl of
Lindsay, H. H.
Lygon, hon. Gen.
Mackenzie, T.
McNeill, D.
Manners, Lord J.
Meynell, Capt.
Miles, P. W. S.
Neville, R.
Newdegate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pollock, Sir F.
Pringle, A.
Pusey, P.
Round, C. G.
Round, J.
Rushbrooke, Col.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, John
Tomline, G.
Trench, Sir F. W.
Vivian, J. E.
Waddington, H. S.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Yorke, hon. E. T.

TELLERS.
Fremantle, Sir T.
Baring, H.

REV. DR. MORRISON] Sir *G. Staunton* rose for the purpose of submitting the Motion of which he had given notice—

"That this House will, on an early day, resolve itself into a Committee of the whole House to consider the following Address to Her Majesty; that is to say, that an humble Address be presented to Her Majesty, praying that, whereas, the late rev. Dr. Morrison, and his eldest son, the late John Robert Morrison, rendered eminent public services in China, the former for a period of twenty-six years, and the latter for a period of nine years, and successively fell a sacrifice to their severe exertions in the performance of their public duties; and whereas, the death of the latter individual was pronounced by his Excellency Sir Henry Pottinger, Her Majesty's Plenipotentiary in China in a public proclamation on the occasion of his decease, 'a positive national calamity,' Her Majesty be graciously pleased to direct a suitable provision to be made for the widow of the late rev. Dr. Morrison, and for the other surviving members of his family; and to assure Her Majesty that this House will make good the same."

He said he was very sensible that he incurred a grave responsibility in making this appeal to the House. He was sensible that such appeals in favour of private individuals ought not to be lightly hazarded. He could assure the House that he would not have undertaken the task if he had not felt the strongest conviction that this claim was of so peculiar and almost unparalleled a character, that it could not be neglected without reflecting dishonour and discredit on the country. He wished the Motion had been in more able hands, but as he could speak from his own personal knowledge, while in office in China, respecting most of the facts which it would be his duty to submit to the House, he felt confident of receiving their indulgent attention. He had submitted these claims in the first instance to the noble Earl at the head of the Foreign Department, who had received the appeal with the greatest consideration and sympathy. He had done everything that was within the competence of the Foreign Office, by continuing the small pension granted to the widow by his predecessor, and by conferring an appointment in China upon one of the younger sons; but the pension was utterly inadequate, and the appointment he had been obliged, it was apprehended, to relinquish on account of ill-health. No resource therefore remained but an appeal to Parliament. The proposition he had to bring forward was strictly in accordance with the best precedents of our history. He thought he need not adduce any of those precedents to show that it had been the policy of this country, when great and eminent services had been performed, and when those who performed them had sacrificed their lives in the cause, to recognize the claims of their families who survived them on the gratitude of the country. He would, therefore, shortly state the history of those two distinguished individuals for whose family he appealed. The late Rev. Dr. Morrison went out to China as a missionary of the Gospel, and had no desire or wish to obtain employment at the public expense; all he desired was to be permitted to exercise unmolested his sacred functions; the East India Company, he hoped, would not employ the powers with which they were invested by law to remove him from his mission. So far, however, from the East India Company wishing to remove him, they found that he possessed most valuable and important talents, and they invited him to take office in their establishment, which he acceded to, and which office he held for a period of twenty-five years. At the same time he made no mercenary compromise. He did not abandon the sacred profession to which he had devoted his life, but continued to his last moments as he had begun—a Missionary of the Gospel. He united to the most ardent religious zeal the perhaps still more rare quality of sound sense and discretion; so much so, that he was enabled to exercise these two offices without any detriment being sustained by either of them. He had also accompanied the Embassy of Lord Amherst to Pekin as interpreter, without receiving any special remuneration for that service. Dr. Morrison in the course of his valuable life accomplished two great literary works, to which he would shortly direct the attention of the House. The first was his elaborate and voluminous Chinese and English dictionary. The East India Company had considered this work of so much importance, that they had granted a sum of 10,000*l.* towards defraying the expenses of printing it in China. If it was of so much importance even when only one Port was open to us in China, it became of tenfold importance when we had four new Ports opened to our commerce and our enterprise, where the English language was wholly unknown, and a knowledge of Chinese was a sole passport to commercial dealings. This work was now in the hands of every individual who was desirous of availing himself of the improved state of our commercial relations with China. This alone, gave him a strong claim upon the gratitude of his country. The other was a work, the value of which could not be estimated in a mere pecuniary or a commercial point of view, but it was a work which had conferred on Dr. Morrison great celebrity throughout Europe, and had earned for him the heartfelt gratitude and admiration of a great body of persons in this country—he meant the translation of the holy Scriptures into the Chinese language. This work, he trusted, would, through the favour of Providence, lay the foundation of the introduction of the blessings of Christian civilization into that immense territory, by enabling its inhabitants—constituting as they did, one-third of the population of the world—to read the word of God in their own language. At the end of twenty-five years spent in the service of the East India Company, the East India Charter expired, and Dr. Morrison would have been justified in retiring, when he would have been entitled to a pension: there was at that time a fund from which that pension would have been payable; and if he had died in their service, his widow would have been entitled to a pension. At that critical moment, however, his services were considered indispensable, and he consented to transfer those services from the East India Company to the Crown, without making any stipulations whatever. The first act of Lord Napier on his arrival in China, was to order Dr. Morrison to Canton at an unhealthy season of the year, and in a declining state of health, to conduct a most harassing and ill-advised negotiation with the Chinese government. Dr. Morrison fell a victim to his exertions in the course of a few days. Lord Napier, it is well known, followed him to the grave in about two months afterwards. He thus died in the performance of his public duties. He had abandoned his claim on the East India Company by the transfer of his services to the Crown, and the fund was abolished from which that pension might have been paid. No adequate provision was made by the Government to his family on this occasion, but they did that which seemed equivalent to it; at least it would have been so, had Providence spared the life of the son, for they immediately appointed him to the situation which had been held by his distinguished father. This young man, although at that time only twenty years of age, performed the duties which devolved upon him with singular ability and great zeal, but his bodily strength was not equal to the strength of his mind, and he had applied for, and obtained leave of absence, for the purpose of returning to England to recruit his health, when the seizure of the opium placed us in hostility with the Chinese, and, in consequence of the extraordinary crisis which then arose with regard to our relations with the Chinese, Mr. Morrison felt it his duty to forego his leave, and to remain in China. The war broke out, and the necessity of having on the spot a secretary who was acquainted, not only with the language, but with the habits and manners of the Chinese, became every day more apparent: Mr. Morrison, unfortunately for his life, but fortunately for his fame, and fortunately for the benefit of the English nation, remained. He lived to take an important part in the negotiations for the Treaty of Nankin; and when it was recollected that Sir Henry Pottinger, although a man of great ability, was a total stranger to the language, manners, and habits of the Chinese, (unlike his successor, Mr. Davis, whose consummate ability on these points is well known), the extreme importance of his having the aid of a man like Mr. Morrison would be quite evident. When the Treaty was concluded, there was a general feeling throughout the whole of the British community that some honours and favours ought to be conferred on Mr. Morrison; and Sir Henry Pottinger warmly responding to this feeling, appointed him one of the Legislative Council of Hong-Kong. He was thus placed in a situation which would have amply enabled him to maintain his father's family. He had while he lived remitted to them various small sums, and had given up the whole of his share of his little patrimony to his sister. But while his family in England were congratulating themselves on his merited exaltation, their joy was turned into sorrow, the cup of prosperity was suddenly dashed from their lips; for, a few days after his appointment, he was seized with the fever of Hong-Kong, and his constitution being already undermined, he very shortly fell a victim to it. Sir Henry Pottinger stated, in a proclamation, announcing his decease, that the loss of Mr. Morrison was a public and national calamity, and would be so felt, he was sure, by his Sovereign and his country; and in a private letter to him (Sir G. Staunton), he added, speaking of Mr. Morrison, that no man living could supply his place—" You may find as good interpreters and as good translators, but where will you find a man of such talent, judgment, devotion and influence?" He submitted that he had made out a case for the consideration of the House. These two individuals had performed eminent services, had sacrificed their lives in the cause of their country. Their family, therefore, it appeared to him, had a most powerful claim upon Parliament. He did not bring forward the case as one of destitution, except as far as regarded the sister of Dr. Morrison, who was residing at Newcastle, and who he understood was in a destitute state; but with regard to the rest of the family, although not in a state of destitution, he considered that their means were totally inadequate to maintain them in the station which]they ought to occupy in the country. He concluded by moving his resolution.

Sir *J. C. Hobhouse* did not know if the forms of the House relative to the necessity for the consent of the Crown in cases of such propositions as the present would be interposed in this instance; but this he would say, that accident had made him fully acquainted with the merits of the two individuals whose services had well been narrated; nor could he avoid adding, that by no one could their eulogy be more appropriately pronounced, as assuredly by none could their services be more thoroughly appreciated than by his friend the hon. Baronet who had brought forward the subject. From the first moment he saw the notice of the hon. Baronet, he felt that the Government ought to adopt some mode of expressing their opinion, and that of the Crown, as to the merits of these two individuals. After the tribute which had been paid to their memory by the hon. Baronet, it would be impertinent on his part to say one word on the subject of their services. But if any hon. Gentleman had read the beautiful memoirs of Dr. Morrison, if they knew the circumstances under which he commenced his eminent, useful, and Christian career, —if they were acquainted with his conduct throughout that career, — if they knew how his mantle had descended to his son, they could not doubt that the appeal which had been made to the House by the hon. Baronet was fully justified; and he hoped, that if the forms of the House did not preclude it, that appeal would receive the concurrence of the right hon. Baronet and his colleagues.

Sir *R. Peel* fully admitted the justice of the eulogium which the hon. Gentleman and the right hon. Baronet had respectively passed upon the characters and services of Dr. Morrison and his son. He did not believe, that in the whole range of the public service of this country, two men could be found more remarkable for their high character, or for the fidelity with which they had discharged their duties. The particular works, also, to which the hon. Baronet had referred, the productions of Dr. Morrison, the father, were works of signal merit. Nothing could be more agreeable to his feelings than to be able to accede to this Motion; but there were certain duties imposed upon public men which they could not shrink from discharging; and he must ask the House not merely to regard the merits of these individuals, but to consider the effect of the precedent for the interference of that House with respect to the grant of pensions to public men. It was, some years ago, the practice in the civil service of this country to allot pensions to the widows and female relatives of public servants who died in the discharge of public duties; but that practice, speaking generally, had for some time passed into desuetude. No man could fill the office which he occupied without being well aware that many claims were often preferred on the part of the widows and relatives of public servants of the highest merit and distinction with which it was impossible to comply. For instance, in the whole range of the revenue service of this country, no pensions were allotted to the widows or female relatives of public officers who died in the discharge of their duty. The same was the case with regard to all the great departments of the State. In the case of clerks in public offices—men who performed the greatest services to the country, and who frequently died in the public service, after continuing in it for thirty, forty, or fifty years—Parliament had allotted no means of making provision for their widows or female relations. In some departments of the public service there were means of making such provision. In the Army and Navy, pensions might be allotted to the widows of officers who died in the public service; but those pensions were of very limited amount. The whole amount, he believed, which could be granted to the widow of a flag-officer of the Navy, who might have served his country for many years, did not exceed 120*l.* a year. In the case of a Captain or Colonel of Marines, actually dying in action, the public provision was limited to 200*l.* a year. In the case of public civil servants, to whom liberal salaries were allotted, the principle held was that it was their duty, out of those salaries, to make provision for their widows or relatives. That was the general rule now observed, and, if they lightly departed from it, there was no limit to the number of applications which might be presented. He knew how strong were the claims which might be urged; and he would venture to say that, if the precedent was once established, unless it was limited and confined by circumstances the most peculiar, numberless applications would pour in, with which it would be most difficult to refuse compliance. The cases of governors of the colonies, or of individuals who discharged judicial functions in those colonies, were constantly brought under the notice of the Government; in many instances such men were cut off in the prime of life, and their widows or relatives appealed to his noble Friend (Lord Stanley), but no means existed of making a provision for them. The House must therefore take a comprehensive view of this subject, and prepare themselves for the consequences of establishing the precedent proposed by the hon. Baronet. He would state what were the circumstances of this case; and he would then leave it to the decision of the House whether there was anything so peculiar in the situation of the widow and family of the late Dr. Morrison as to induce the House to depart from its ordinary usage, and enable the Crown, by a special Vote, to make provision for this case. In addition to the provision already made for the public service, a very limited sum of 1,200*l.* was allotted yearly to the Crown, to enable the Crown to grant pensions in certain specified cases—cases of personal service to the Crown, to persons of eminent literary or scientific merit, or to persons who had rendered distinguished public services. He (Sir R. Peel) certainly thought that a very niggardly provision. He thought it confined the power of the Crown in this respect within very narrow limits. But after full inquiry into the Pension List, and having before them all the claims that could be made on account of public services, Parliament had allotted to the Crown for these purposes a sum not exceeding 1,200*l.* a year. He would undertake to say that that sum was appropriated in precise accordance with the wishes of Parliament. The question here was whether, independently of that amount, the House of Commons would enable the Crown to grant pensions to the surviving members of Dr. Morrison's family? He would briefly state to the House the facts of the case. Mrs. Morrison was the widow of Dr. Morrison, who died in 1834, but she was not the mother of the Mr. Morrison who lately died in the performance of public duties in China. The only immediate relative, by blood, of the late Mr. Morrison, was the sister to whom the hon. Baronet opposite (Sir G. Staunton) had alluded. Mrs. Morrison was the widow of the late Dr. Morrison, but Mr. Morrison was the son of that Gentleman's former wife. Mrs. Morrison did not, therefore stand in the relation of mother to the late Mr. Morrison. A pension of 100*l.* a-year was granted to Mrs. Morrison for herself by the East India Company; and a further pension of 25*l.* a-year for each of five children, till they arrived at the age of eighteen. On the transfer of the China establishment from the East India Company to the Imperial Government, it was represented to the Government that the provision made for Mrs. Morrison was not in proportion to the merits of Dr. Morrison, and insufficient to procure for his widow the comforts she had a right to expect. The Government then stated that the transfer of the Establishment of the East India Company to the Imperial Government should in no respect affect the interests of Mrs. Morrison; and they applied to the East India Company to know what provision, considering the peculiar merits and services of Dr. Morrison, the Company would have granted if he had continued in their service. The answer of the Company was, that they had no regular scale of allowance to the widows of their servants—that they granted liberal salaries on the express understanding that their officers should, out of such salaries, make provision for their families. The late Dr. Morrison received about 1,300*l.* a-year; on his death his son succeeded him, and at the time of his (the son's) decease, he was in the receipt of about 1,200*l.* a-year. The East India Company stated, that they thought, in this case, they would have made an exception to their usual rule, and have allotted Mrs. Morrison an addition of 50*l.* a-year, making 150*l.* a-year; but the Government granted her another sum of 100*l.* a-year, and she was now therefore in receipt of 200*l.* a-year. These were facts which the House ought to bear in mind, recollecting that no provision was made in the case of other civil servants. The right hon. Baronet opposite might probably know Mr. Bulley, of the Exchequer, who died recently, after a faithful service of fifty years, but his widow remained without a pension. The House must recollect too, that, in addition to the pension of 200*l.* a-year, Mrs. Morrison also received 25*l.* a-year for each of five children. On the decease of Dr. Morrison, his son. the late Mr. Morrison, succeeded to his office, which he held to the time of his death, and to which was attached a salary of 1,200*l.* Had the Executive Government then been insensible to the high merits of this family? He was discharging a most painful duty in opposing the proposal of the hon. Baronet opposite; but it was right that he should show that Mrs. Morrison had not been overlooked. The provision might seem scanty; but, as he had said before, they must look at these cases upon comprehensive principles. Since Mr. Morrison, the son's death, Lord Aberdeen had appointed the eldest son of Mrs. Morrison to a situation in China as assistant-secretary. The salary of that office had previously been 162*l.* a-year, but Mrs. Morrison's son received

300*l.* a-year, with the prospect of an increase, on good behaviour, to 600*l.* a-year. Mrs. Morrison was thus relieved of all charge for the education of that son. Lord Aberdeen also signified to Mrs. Morrison, that if among her remaining children there was one whose age qualified him for the performance of public duties, he would immediately appoint him to a situation; and that if his youth disqualified him for such a situation now, he would take the first opportunity of making provision for him hereafter. In the case of the eldest son of Mrs. Morrison, therefore, actual provision had been made; and the assurance of prospective provision had been given for the second. He thought, then, that he had conclusively shown that the Crown had not been insensible to the valuable services rendered to the country by Dr. Morrison, and his son, Mr. Morrison. He must say, feeling the greatest sympathy for the situation of this family, that if he were called upon to mention the cases of widows and families of other deserving persons, it would be found that an unusual provision had been made for the family of Dr. Morrison. He hoped he had said enough to show the House that they ought to be exceedingly cautious how they established a precedent in this case, of special interference with the conduct of the Executive Government, and, in some degree, with the prerogative of the Crown. He had every motive personally for acquiescing in the proposition of the hon. Baronet; he entertained the highest sense of the services of Dr. Morrison and his son; he felt great sympathy for their relatives, if they were in distress; but it was his duty, in the situation which he held, to caution the House against selecting a particular instance of this kind for special interference.

Mr. *Lindsey* said, he had the advantage of knowing Dr. Morrison and his son, and he was, therefore, gratified to hear not only what had been done, but what was to be done for their family. There were a few remarks of the right hon. Baronet on which he wished to offer a very few words. The right hon. Baronet drew a distinction between the military and naval services and the civil service, but the present was a case in which that distinction did not apply. It was true that Dr. Morrison had received a salary of 1,300*l.*, but then it should be recollected the use he made of that salary, for while he was devoted to the interests of his country, he had proved himself a benefactor to mankind. So soon as he was placed above necessity what did Dr. Morrison do? Why, he founded a college for the instruction of Chinese, as well as of others; and although the institution received other support, there could be no doubt that Dr. Morrison had devoted more of his means in furtherance of this college than prudence dictated. But he was looking for a higher reward than could be bestowed on him in this world. That college had since been removed to Hong Kong. He was in China in 1832, when, at the age of eighteen, Mr. Morrison, the son of Dr. Morrison, was called upon to act as interpreter, and he could speak to the ability with which he discharged the duties devolving on him. No man could bear higher testimony to the merits of John Robert Morrison than Sir H. Pottinger had done; and he entirely agreed with that gallant officer, that his death was to be regarded as a national calamity. The life of John Robert Morrison was sacrificed by the illness he contracted when he accompanied Captain Elliott to Canton; but, although he did not approve of that mission, his sense of public duty led him to accompany it, and the result was his contracting a disease which ultimately proved fatal to him. He thought Mrs. Morrison and her family were entitled to a more ample provision; but, seeing what had been done for them, he, having full confidence in the justice of the right hon. Baronet at the head of the Government, was ready to leave the case in his hands, in the full belief that all that could be required would be granted.

Sir *G. Staunton*, in reply, said, he must take blame to himself for not having entered more fully into the pecuniary part of the case, from an anxiety to avoid unnecessarily occupying the House. The fact was, that the only permanent provision awarded to the family of Dr. Morrison was the 200*l.* a-year which Mrs. Morrison received, and that had no reference whatever to the services of the son. It was stated, and justly, by the right hon. Baronet, that Lord Aberdeen had made a provision for one of Mrs. Morrison's sons, and offered to provide for another of them; but it unfortunately happened that the health of the son who had gone to China was so bad, that he was on his return, and therefore the family would derive no benefit from that appointment. The East

India Company had given several large pensions to their civil servants in China, at the expiration of the charter; and he particularly wished to call the attention of the right hon. Baronet to the fact, that the pension of 200*l.* now enjoyed by Mrs. Morrison, had no reference to the services of her son, but had been granted solely on account of the services of the father. The son's services were hitherto without any notice or reward whatever. It was, no doubt, true, that Mrs. Morrison was not his own mother, but he had always considered her as his mother—considered her with the same affectionate regard, and so called her in his letters. He submitted that the great and eminent services of Dr. Morrison and his son entitled their family to a better provision than had been made for them; that even upon the principle of 200*l.* a-year having been commensurate to the father's services, at least an additional 200*l.* a-year ought to be granted to the family for the services of the son. At the same time, he did not mean to press for a division, being satisfied to leave the matter in the hands of the right hon. Baronet, who, he confidently hoped, would reconsider the subject, and feel disposed to do justice to its merits.

Sir *R. Peel* said he could not accept the withdrawal of the Motion on any such terms. He had before stated, that the whole sum which he could advise the Crown to apply to cases of this kind was 1,200*l.* a-year; and he had not before him the case of Mrs. Morrison alone, but the cases of at least 100 widows and persons whose relatives had rendered valuable public services, and who were not in the receipt of any pensions or gratuities.

Motion withdrawn.

House adjourned at Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, March 27, 1844.

MINUTES. BILLS. *Public.*—2°. Quarter Sessions (Cities and Boroughs).

3°. and passed:—Mutiny Bill; Marine Mutiny Bill; Night Poaching Prevention.

Private.—1°. Lascaridi's Naturalization; Spartali's Naturalization.

Reported.—Eastern Counties Railway.

3°. and passed:—Great Western Railway *(Resumed and Passed)*; Bolton and Preston Railway.

PETITIONS PRESENTED. By Mr. Estcourt, and other hon. Members, from Oxford University, and eight other places, against the Union of the Sees of St. Asaph and Bangor. —By Mr. P. Howard, from Carlisle, and Mr. Fielden, from Blackburn, for Repeal of the Duty on Raw Cotton. —By Mr. E. Stanley, and other hon. Members, from Aspatria, Dalham, and Uxbridge, &c., against the Repeal of the Corn Laws.—By Mr. Greene, from Lancaster Union, and Mr. J. A. Smith, from Chichester, against the Bastardy Clauses of the Poor Law Amendment Bill. —By Lord Worsley, from Hartley, and 7 other places, in favour of the Commons Inclosure Bill.—By Mr. H. F. Berkeley, from Mayor of Bristol, against the same.—By Mr. Hume, from Montrose, and by Mr. Gibson Craig, from Royal Burghs of Scotland, against the Prisons (Scotland) Bill.—By Mr. Gibson Craig, from Miners and Colliers of Cluny, and other places, against the Export Duty on Coals.—By Mr. H. Hinde, from Thomas Gray, against the present mode of Administering Oaths.—By Mr. Hume from Tobacco Manufacturers of London, for the Prevention of Smuggling.—By Mr. Wallace, from Coopers of Glasgow and Greenock, against the Duty on Staves.—By Mr. O'Connell, from Murroe, in favour of the Repeal of the Union, and from Members of the Loyal National Repeal Association, for Inquiry into proceedings at the late State Trials.—By Mr. Hodgson Hinde, from Newcastle-upon-Tyne, against Rating of Tenements.

HOURS OF LABOUR IN FACTORIES.] Viscount *Sandon* thought it would be for the general convenience of the House if his noble Friend (Lord Ashley) would take the earliest opportunity of stating the course he intended to pursue on Friday next, in reference to the limitation of the hours of labour in the Factories Bill.

Lord *Ashley* said, that his first impression, which had since been confirmed by the opinions of several of his friends on both sides of the House was, not to offer any opposition to the Government proposition to withdraw the Bill. It was, therefore, not his intention to oppose the Government on Friday, in their Motion for the withdrawal of the Bill. He was aware that he surrendered many advantages which he now possessed by adopting that course, but he thought it his duty on all occasions, when he could do so without conceding principle, to consult the wishes and convenience of the House and the Government.

Sir *J. Graham*: Perhaps I may be permitted to say—having given a notice which now stands for Friday evening with respect to the Bill lately discussed—that if such a proposal meets with the general assent of the House, I shall on Friday move for leave to bring in a Bill to alter the existing law as to Labour in Factories.

MASTERS AND SERVANTS.—ORDER OF THE DAY.]—Mr. *T. Duncombe* on the Motion that the Order of the Day be read, said he believed the question now was, the reading of the Order of the Day; if they allowed the Order of the Day to be postponed on one Bill, there could be no objection to its being postponed on another; and he had an objection to the Bill that stood No. 7 on the Paper—the Masters and

Servants Bill, which he intended to propose should be postponed till after Easter. This was one of the most important Bills that had been introduced during the present Session, not excepting even the Factories Bill, or the Commons' Inclosure Bill. But any subject that was legislated upon on Wednesday was never reported. The labouring population had been taken quite by surprise by this Bill. The Bill was totally different in principle to any which had preceded it; and it had been altered in almost every word, from the Preamble to the last Clause contained in it. The Government, under such circumstances, ought to discharge the order for its committal, and bring in a new Bill, as they proposed to do on the Factory question. He had several petitions to present against the Bill, all of which went boldly to the point, by calling on the House to scout it from their consideration.

Sir *J. Graham* thought, after what had fallen from the hon. Gentleman, he ought to state that the Bill was disclaimed by the Government as a Government Bill. There was but one new enactment in this Bill, and that the 4th Clause, which applied to contract work; and he thought it highly expedient that it should be well considered. He (Sir J. Graham) was for the most part favourable to the new enactment, but he was not at all pledged with respect to it. He certainly thought this Bill ought not to be proceeded with in the absence of the hon. Member for Somersetshire.

Mr. *Ferrand* said, he had that morning received numerous letters from persons in the manufacturing districts, all expressing the greatest alarm as to the effect of the 4th Clause of this Bill, if it should become law. That Clause provided that if a working man should not fulfill a contract—

The *Speaker* said, the present discussion was altogether irregular. The question was whether the Order of the Day, should be now read, and on that question it was quite irregular to enter into a discussion of the details of a particular measure, although it might be included amongst the Orders of the Day.

Mr. *T. Duncombe* said, he should then move as an Amendment, that the Order of the Day for the Committee on the Masters and Servants' Bill be read, for the purpose of having the Bill postponed.

Mr. *Gally Knight* said the motive of this Bill was to enable magistrates to assist the working men in deciding points of difference between Masters and Servants. He thought if honorable Gentlemen knew as much as he did of the difficulties which surrounded a magistrate in the cases between Masters and Servants, they would not oppose this Bill.

Mr. *Hawes* thought it only an act of justice towards the Government to state, that whereas the Bill was originally obscure as to its enactments, it was now, in accordance with their suggestions, made clear and more fitted for discussion. He objected to the course pursued by the hon. Member for Finsbury in taking that Bill out of its order and moving that it be postponed, especially after an assurance had been given that it would be postponed when the Order of the Day came before the House in regular course.

Mr. *T. Duncombe* insisted on his right to make the Motion.

The *Speaker* said, it was the ordinary understanding that on Wednesdays the Orders of the Day should be taken as they stood on the List, but there was no rule of the House to prevent the hon. Member for Finsbury from moving his Amendment. The effect of that Amendment, however, if carried, would be, that a separate question must be put with respect to every distinct Order of the Day—a course which would be contrary to the general understanding which existed.

Amendment withdrawn.

House adjourned at a quarter before one.

HOUSE OF LORDS,

Thursday, March 28, 1844.

MINUTES.] BILLS. *Public.*—1ª· Mutiny; Marine Mutiny; Dean Forest Encroachments; Night Poaching Prevention.

Private.—1ª· Great Western Railway; Bolton and Preston Railway.

2ª· Birmingham Canal Navigation; Beccles Navigation; Severn Navigation; Cababe's Naturalization; Edinburgh Cattle Market.

Reported.—Ribble Navigation.

PETITIONS PRESENTED. From Greenwich, by Earl of Roseberry, from Lowick, and by Lord Campbell, from Birmingham, against the Dissenters Chapels Bill.—By Lord Kenyon, from Oxford University, and by Lord Colborne, from Henllan and Rhos, against the Union of the Sees of St. Asaph and Bangor.

STATE OF IRELAND.] The Marquis of *Clanricarde* said, that it might be convenient that he should state, that in presenting the Petition of which he had given notice, to-morrow evening, relative to the State of Ireland, that it was not his intention to offer any observations to their Lordships, or to enter into any details that could raise a discussion on that question. He had two reasons for taking this course. One was, because he wished to have the advantage of seeing the Government plan relating to the Municipal and Electoral Franchise in Ireland. A proposition on that subject was, he understood, to be made this evening, in the other House of Parliament, but in consequence of the state of public business there, he supposed, it could not be introduced till after the holydays; for that reason he had stated he did not wish to make any observation to-morrow on the subject of the Franchise. The other reason for taking the course which he proposed was, that there was a part of the petition which alluded to the administration of justice in Ireland, and on that he should certainly feel himself called to make some observations on a fitting occasion. It would, however, be quite impossible for him to make those observations without adverting, at the same time, to the recent trials in Ireland. Now, at this moment there was every reason to suppose that the proceedings on those trials would come before their Lordships in their judicial capacity; therefore he conceived that it would be highly improper to introduce a discussion on the subject now; because noble and learned Lords, on both sides of the House, would be prevented from stating their opinions on a question which hereafter would come judicially before them. He thought it better, therefore, to present the petition in silence. Shortly after Easter, however, he should feel it to be his duty to call the attention of the House to that petition, when he should make some Motion on it, for the purpose of bringing the whole subject under consideration; he would, perhaps, move that it be referred to a Select Committee.

Lord *Brougham* concurred with his noble Friend as to what he considered to be his duty upon this important subject; and, in his opinion, the same principle would apply equally to the Motion of which notice had been given by the noble Marquess near him (the Marquess of Lansdowne.) There was one of two courses open to his noble Friend. He could postpone his Motion, which would, perhaps, be the better way; or he could take the other course, of having it most distinctly understood that there was not one word to be introduced into the discussion to-morrow which could in any way affect the pending law proceedings. He believed it had been officially announced that a Writ of Error would be brought forward with reference to the recent legal proceedings. Under these circumstances, the question was, whether it would not be better that the subject should be put off altogether for the present.

The Marquess of *Lansdowne* coincided in opinion with his noble and learned Friend, as to the propriety of abstaining from entering into a general discussion on the state of Ireland; but he could not agree in the expediency of putting off his Motion with respect to the instructions given as to the challenging of jurors. In answer to a question which had been put to him, when he gave notice of this Motion, he stated that his intention was not at all to interfere with any proceedings that had taken place on the late State Trials, but to have a prospective inquiry as to the course to be taken by the Government, for the future in Ireland, with respect to the challenging of jurors. His Motion was grounded solely on the expediency of making known the instructions given by the Government to the Officers of the Crown in Ireland, for their future guidance. He should, therefore, allow his Motion to remain, on the understanding that there should be no reference to the conduct of the Government in the late trials.

The *Lord Chancellor* said, it would be found that the course adopted by previous Attorney-Generals had been precisely the same as was adopted in this instance by the present Attorney-General. That would be the result of the noble Marquess's Motion, and he was sure that such a statement would be satisfactory to the noble Marquess.

The Marquess of *Lansdowne* was very glad to hear what had fallen from the noble and learned Lord on the Woolsack, which confirmed him in his intention to bring forward his Motion to-morrow. Nothing could be more satisfactory to the people of Ireland, nothing could be more beneficial to the Government, than the announcement which had just been made.

Lord *Brougham* said, if his noble Friend (the Marquess of Lansdowne) thought that he was to be precluded from giving his opinion on the whole subject, if it should be introduced to their Lordships, he would find that he was mistaken. If his noble

Friend, for instance, or if any noble Lord, in the course of the discussion, should allude to the conduct of the Government in the late prosecution, or to the conduct of the Court before which the cause was tried, he would not be wanting in his duty to the public, but would give his clear and explicit opinion on the subject; that was the whole matter of debate; and how could they say, when the topic was once introduced, where it would end?

Lord *Wharncliffe* said, that it would perhaps put an end to the discussion, when he stated at once, that the Government had no objection to the production of the papers for which the noble Marquess intended to move.

Lord *Campbell* understood, that it was agreed that during the discussion there should be no allusion to the late trials, because those proceedings would be brought judicially before their Lordships, by Writ of Error. In his opinion, the discussion could not be entered into with advantage. There would be very great difficulty in separating the two parts of the subject—the legal question and the constitutional question. It was much more expedient, he thought, that even now they should no further refer to the very difficult and delicate question which must, from what he had heard, sooner or later come before them. Let it not, however, be imagined that because he or others abstained from giving any opinion now, or should abstain from so doing to-morrow, that they admitted the recent proceedings to be constitutional, or that they, in any way, sanctioned the conduct of Her Majesty's Government.

Subject dropped.

Ecclesiastical Courts Bill.] On the Motion "that the Report on the Ecclesiastical Courts Bill, be agreed to,"

The Marquess of *Normanby* said, that as he intended to give his negative to this Bill, and as he could not be present at the third reading, he should take that opportunity to state the reason on which his opposition, both to the principle and the manner of the Bill, was founded. He did not know why the discussion of such a Bill should be left solely to the noble and learned Lords in that House; and having listened attentively to every word that had been uttered on the second reading, he must say, that never was a Bill brought forward with so little title to their Lordships' support. The only ground on which it was supported was the not very creditable one, that a better Bill could not be brought forward, because it would be opposed by the country practitioners. In his opinion, the House of Commons had been much wronged on this subject. The opinions had been declared very strongly, last Session, against the Diocesan Courts, which now they proposed to perpetuate. The right hon. Gentleman, the Home Secretary, had said, on the measure which, last Session, he had introduced for abolishing those Courts, "Upon principle I cannot yield to the opposition against the Bill, the provisions of which rest upon the highest authority; and if the House reject this Bill, I cannot offer any other likely to be more acceptable." And the right hon. Baronet at the head of the Government had said, "We are told that if we proceed with this Bill, there are powerful parties who will remember it in the hour of trial. We know well how wide-spread are the interests connected with these Courts; and no executive Government can undertake to reform a legal abuse without for a time forfeiting, I will not say, 'public opinion,' but a very valuable support. We expose ourselves, however, to that danger in asking the House to consent to this attempt at reformation; and we will not purchase a continuance of that support by shrinking from what we conceive to be our duty." That measure had been decided on, on the division for the second reading, by a majority of 80, the numbers being 186 to 84, a much larger majority, in proportion to the numbers present, than any which even the present strong Government had had since they came into office. Now what had become of all that courage and determination not to shrink from their duty? Why the Bill had been referred to a Select Committee, and so far from being recognised and adopted by the House of Commons, it was reported by that Select Committee on the 28th May, and from that period to the end of the Session no steps had been taken on the subject. And why were their Lordships, who had not been at all inconsistent on the matter, to consent now to the perpetuation of courts which had not much business to perform? but the few cases which came before which required the highest legal knowledge. Why should their Lordships be required to imitate the example of the other House in submitting to repeated attempts at reversing solemnly affirmed decisions? The Government, indeed, did not pretend to have adopted the opinions of the other House upon the subject; and the course taken by Ministers on the measure would be deemed by the country one of the most humiliating necessities to which a "strong Government" had ever been reduced.

Lord *Wharncliffe* observed, the noble Marquess had adduced no argument against the measure, but had merely made an attack upon the Government for having introduced it without the stringent provisions which accompanied the measure of last Session. He partook without hesitation of the responsibility of that course, which he considered to have been a wise one under the circumstances. The former measure had experienced the opposition not only of the provincial practitioners but of the public, who conceived it would expose them to inconvenience, and therefore it was not persevered in. And certainly Government must consider what it could carry, and must submit to do all the good it could, if it was not able to do all it would. He was not at all moved by the lecture of the noble Marquess.

Lord *Cottenham* said, the noble Baron had claimed credit for the course the Government had pursued, as having been wise. It might be so; but the question was, had it been proper? The noble Baron had talked of the objections entertained on the score of anticipated inconvenience. Why, it was matter of history now that for the long period (since 1832) during which the subject had been under investigation, the result of all inquiries conducted by Committees of either House, or by Commissions under the Crown, had been, that the advantage of the measure would amply compensate for the inconvenience apprehended. It could have been no new discovery, then, that had altered the decision of the Government, which had formerly condemned these Courts, and only consented to their continuance when it appeared "wise" so to do.

Lord *Brougham* suggested that five years' standing (instead of seven) should be the qualification of the Judges in the Diocesan Courts.

The *Lord Chancellor* assented to the proposition, observing that five years was the qualification for Recorders. He took occasion to remark, that he had attentively considered the case of Taunton, as to which a Petition had been presented for exemption from the Diocesan Jurisdiction; and he could not accede to a proposal which might expose him to similar application from every "peculiar."

Lord *Campbell* (who had presented the Petition) had neither personal nor party motives in the matter, but regretted that the request could not be conceded, and wished that either all the courts should be abolished or all retained, for in many cases (as in that before him) it would be easier to go to the Metropolitan than to the Diocesan Court.

Report agreed to.

FACTORIES' BILL.] Lord *Brougham* was particularly anxious to correct a misrepresentation of his sentiments; or rather, he ought to say, a misunderstanding had arisen from particular sentiments of his not having been expressed with sufficient clearness, in presenting a Petition the other evening, when he had referred to employment in factories. He had received letters from different parts of the country on the subject. He had received very abusive letters; but these he did not mind. He was asked why he tried to keep the poor people labouring, when he himself did nothing at all for the money he received out of the taxes paid by the poor? His answer to this was, that he did labour—that he did work pretty hard too; and there was nothing he should like so much as that he might be allowed to give up what he received out of the taxes, on condition that he might go back to the Bar. What he received as a pension—and such was the case of his noble and learned Friend near him (Lord Cottenham)—was in the way of compensation for not returning to their practice at the Bar, where they would receive a great deal more money than they now did. But his noble and learned Friend (Lord Campbell) was in a still worse situation, for he gave up a very large income made by him, at the Bar, and he received no compensation, and yet worked there for ten hours a day, and was often there at night most ungratefully employed, so that he must often envy even the factory children. What he was now about to state was, however, of a much more important nature. It was said to him by friendly persons—by those who thought well of his exertions, that he ought to finish his good work—that he ought to follow out his useful suggestions as to wages—that he ought to limit wages—that he ought to bring in a Bill to prevent manufacturers from giving a less amount of wages. What he had said was, of the two greatest absurdities, that of limiting the amount of wages would be less bad, though both would be abominable, than the limiting the number of hours in which a man might choose to labour. He said if he were to do the one foolish thing, or the other, then he said he had rather limit the quantity of wages than of work. If he were to restrain any person in the use of his property, then, he said, he had rather restrain the rich capitalist in the use of his capital than he would interfere with labour, and let a man or woman, if they choose to work a certain time, that they should not be allowed to do so. But then it was said, that it was not inconsistent in him to say that it was the lot of man to toil, and yet be a friend to the abolition of slavery? How, it was said to him, could he seek for the abolition of slavery when he declared it was the lot of man to toil. Yes; but the toil was to be voluntary toil—not toil imposed by another. He hoped, then, that no idea could go abroad, of his sanctioning a Bill to limit the amount of wages; or that he thought they did wrong in the emancipation of their slaves in the colonies, because he would not limit the hours at which a man might choose to work.

House adjourned.

HOUSE OF LORDS,

Friday, March 29, 1844.

MINUTES.] BILLS. *Public.*—1ª· Criminal Law of England.

2ª· Mutiny; Marine Mutiny; Indemnity; International Copyright; Dean Forest Encroachments.

Private.—1ª· Guildford Junction Railway; Norwich and Brandon Railway; Brandes Burton Inclosure.

Reported.—Cababe's Naturalization; Bury (Huntingdonshire) Inclosure; Ramsey Inclosure.

3ª· and passed:—Ribble Navigation.

PETITIONS PRESENTED. From Clergy of Ely, from Hawkhurst, and Hayes, against Union of Sees of St. Asaph and Bangor.—From Uxbridge, for Protection to Agriculture.—From Derrygalvin, and by the Earl of Clare, from Guardians of Limerick Union, for Inquiry into the State of the Poor (Ireland).—By the Marquess of Clanricarde, for Inquiry into the State of Ireland.—From Debtor Prisoners in Maidstone Gaol, in favour of the Creditors and Debtors Bill.

PRESBYTERIAN MARRIAGES (IRELAND.)] The *Lord Chancellor* moved the re-appointment of the Select Committee of last Session to inquire upon the state of the Law of Marriages in Ireland, with a view of considering whether any and what alterations were required in them.

Lord *Campbell* entirely concurred with the noble and learned Lord that, as legislation upon the subject had now become indispensable, the re-appointment of the Committee would be a very proper course to take. In the case of the Queen and Millis, the numbers being equal for and against the appeal, the forms of their Lordships' House construed that equality into a vote in the negative, and thus the judgment of the Court below had been affirmed. But it should not be forgotten that if the case had come before their Lordships in a different form, namely, in a form affirmative of that view of the law, the effect of the equality of voices would have been to negative that proposition——in other words, to give a directly contrary decision upon the subject to that which in accordance with the forms of the House had been given to it. He must say that he should have been better pleased if the decision of their Lordships had been on the other side of the question, and that they had confirmed the first marriage.

Lord *Cottenham* said, that he could not quite concur in the view of the case which the noble and learned Lord who had just sat down appeared to take. The vote which had been come to was to all intents and purposes the judgment of their Lordships, and declared what the law was. He quite concurred in the propriety of re-appointing the Committee on the subject.

The *Lord Chancellor* said, it could not be denied that their Lordships having heard the case fully argued at their Bar, and having been equally divided in their votes upon it, the result necessarily had been that the judgment of the Court below had been affirmed. It was material, however, to bear in mind, that the decision to which their Lordships had come was in accordance with a very high authority in this House, and confirmatory of the judgment of the majority of the Bench in Ireland.

Lord *Brougham* said, he hoped that the Committee would be re-appointed without delay.

CRIMINAL LAW.] Lord *Brougham* said, he begged to lay a very important document upon their Lordships' Table. He stood there merely as the organ of the Criminal Law Commission, from whom this document emanated; and he acted in such capacity the more readily, as he had the custody of the Great Seal at the time this Commission was issued, which had led the way to this important and satisfactory result. The Report of this Commission contained a digest of the whole Criminal Law of the country, that was, of England and Wales; but not extending to Scotland or Ireland. It comprised the complete code of Criminal Law, excluding procedure, which he thought was a branch of the subject which might much more conveniently and perfectly be treated of in a distinct measure. This measure, so framed, he begged to lay before their Lordships, asking of them the usual courtesy of a first reading for it; whereupon he should be happy to consign it to their Lordships or to Her Majesty's Government, hoping that they would give it as much countenance and support as they might think it deserved; their Lordships, of course, not being in any way pledged to the adoption of it by allowing it to be read a first time. With respect to the separation of the law of procedure from the pure law upon criminal matters, they had the example of Napoleon's Code for such a mode of proceeding, and he thought there was a manifest advantage in adopting it. Again, expressing a hope that the Bill would meet with the support of Her Majesty's Government, he begged to move that this Bill be read a first time.

Lord *Campbell* said, he rejoiced to see a proposition made for establishing a criminal code; but he must say he had some apprehension as to the fate of this measure, from the irregular manner in which it had been introduced. His noble and learned Friend said that he presented this Bill "as the organ." He (Lord Campbell) expected to hear him go on and say "of Her Majesty's Government;" and he should have been very much rejoiced if he had said so; because, feeling very great anxiety upon this subject, he felt that no measure of the kind could hope to be carried into effect, except with the cordial assent and co-operation of the Government. But his noble and learned Friend did not say he stood here as the "organ of the Government," but as the "organ of the Criminal Law Commission." This was a position which he could not quite understand. The Commissioners, having been appointed by the Crown, had reported the result of their inquiries to the Queen's Government, and having done so, were to all intents and purposes, *functi officio.* They had nothing more to do with the matter. It was for the Government, if they thought proper, to introduce a measure in accordance with their recommendations. It would seem, however, that Her Majesty's Government had either not seen this Report or had not thought proper to adopt its recommendations in the form of a Bill. This task they had abandoned to his noble and learned Friend, who did not hold any office under Government at present. He (Lord Campbell), therefore, felt some alarm at the manner in which this Bill had been brought in, but still he hoped that it would meet with the support of Her Majesty's Government, and that the country would not long be suffered to remain under the disgrace of having no criminal code.

Lord *Brougham* denied that there was any irregularity in the mode in which this Bill had been brought before their Lordships. His noble and learned Friend ought to be aware, that the Report upon which it was framed was a public one, and one to which, for the last twelve months, every Member of either House of Parliament could have had access. His noble and learned Friend seemed also to forget his constitutional law. The Constitution was one thing, the Government another. The Government might introduce Bills, but the Parliament passed them. He did not understand that there was any maxim of constitutional law which required that a Bill of this or any other nature should be introduced by the Government of the Crown. This might be the most effectual mode by which a Measure could be carried through Parliament; but there was not the shadow of a charge of irregularity in his (Lord Brougham) or any other Member of their Lordships' House bringing in any Bill which he thought proper. He concurred with his noble and learned Friend, in the hope that this Bill would be taken up with favour and consideration by Her Majesty's Government; but he had only to add, that if they did not, he should continue to take care of it himself.

DISTRESS IN LIMERICK.] The Earl of *Clare* presented a petition from the City of Limerick, complaining of certain proceedings under the rate-paying clauses of the Irish Poor Law, by which districts were united within the elective boundary. His Lordship also presented a petition from the same city, complaining of the Distress which existed in that town: the petition described various features of the existing Distress, and particularly referred to the crowded and filthy state of that part of the town inhabited by the poorer classes. The noble Earl said, that he concurred in general in the prayers of this petition, and he was sure that the noble Marquess opposite, who was well acquainted with this town, would concur with him that it was a petition well deserving of the serious attention of their Lordships. [The Marquess of *Lansdowne:* "Hear, hear."] There was one of the prayers of the petition in which, however, he dared say their Lordships would not be disposed to concur; it was this—that an additional tax might be laid on absentees, in order to relieve the distresses of the poor. He had called the attention of the House to this petition, under a strong conviction that the grievances which oppressed Ireland were more of a social than political nature; and he hoped that Government would, with as little delay as possible, give their best attention to this subject.

STIPENDIARY MAGISTRACY (IRELAND).] The Marquess of *Normanby* said, that he wished to call the attention of Her Majesty's Government to a subject which had only come under his notice today. He should have wished to have given Her Majesty's Government notice of his intention to do so, but for the consideration that, as the Easter recess was so near, they would not probably have time to communicate with Dublin and receive an answer on the subject before their Lordships adjourned. Their Lordships would recollect that, about a month ago, he moved for a list of the appointments which had been made to the Stipendiary Magistracy of Ireland from the year 1841 down to the present time. His object in moving for this return was, that he had reason to apprehend that a most objectionable appointment had been made, or was about to be made, to the Stipendiary Magistracy, and he intended, should it turn out that such was the case, to call their Lordships' attention to the subject. On receiving the Return, however, the name he apprehended to have found in it was not there, and upon seeing this he was satisfied the appointment had not been made. In the course of the present day, however, he understood that the appointment in question had actually been made, and had been announced in the *Dublin Gazette* two days before the return to his (the Marquess of Normanby's) Motion had been made. He would not at present comment further upon this circumstance than to observe that he always understood that it was the practice of Government, when a Return was ordered by either House of Parliament, to make it out with the fullest and latest information which the subject admitted of. Her Majesty's Government would, perhaps, institute some inquiry upon the cause of this omission in the present case; and he (the Marquess of Normanby) would now proceed to make a few observations upon the appointment of which he had occasion to complain—namely, that of Mr. O'Brien. Three years ago Mr. O'Brien was a violent Repealer, and as an instance of his strong party feeling on this subject, he had refused to give the health of the Lord Lieutenant of Ireland for the time being at a public dinner, on account of that Nobleman having declared that he could not apply any of the patronage of the Government in favour of any declared Repealer. But not only did Mr. O'Brien refuse to give the health of the Lord Lieutenant, and upon this ground, but he had written a letter to the Gentleman who was Member for the county where it took place, which he should beg to read to their Lordships. The noble Marquess then read the following letter.

"Farfield, Oct. 20th, 1840.

"My dear Dillon Browne—The friends of Repeal in this great county, anxious at this present time to express, in the teeth of Lord Ebrington's Bill of pains and penalties, their firm adhesion to that now devoted question, have resolved to pay to you a tribute of respect as one to whose active services and chivalrous support Repeal is so much and deeply indebted, beg through me that you will name a day to meet your friends at a public dinner, to be given in Ballinasloe.

"There is no better time than the present for the people and their leaders, now that Lord Ebrington has given to the Repeal Question the hallowed tinge of persecution and all the attractive splendour of romance. His Excellency would seem to seek to uphold the Union by the same means that it was carried —the hopes of reward, the threats of persecution. He little knew the human heart, and less the Irish one, who supposed that from the hallowed watching we now hold over the tomb of our country we are to be routed by a Castle Proclamation.

"We will, by legal and peaceable means, show his Excellency that to dictate to a nation is but the golden lot of the few and thinly scattered. We make him a present of his prophecy as to the impracticability of Repeal—we were educated in the school of Richelieu, who acknowledged no such word as fail.

"Your friend and warm admirer, O'Connell, keeping his eye upon the falling sands of the hour-glass, is terribly in earnest, and performing miracles under the pressure of advancing years. In truth, my dear friend 'Repeal of the Union' has become the national mandate of a people who, in the midst of ruin, have not time or temper to say more.

"I fear, my dear Dillon Browne, I have become prolix upon the subject, which it has been my happy lot often to have heard you dilate upon in private, with that eloquence which now has become the intellectual property of the many. Forgetting my own unworthiness, I rejoice that I am selected as the instrument through whom the Repealers of this county convey their high admiration of your patriotism and talent, and remain, my dear Dillon Browne, unalterably yours,

"Thomas O'Brien.

"Robert Dillon Browne, Esq., M.P., Mayo."

[The perusal of this letter was greeted with repeated bursts of laughter.] Now, when it was recollected that this was the man who had been put over the heads of many deserving competitors, who had been long waiting for appointment to the magistracy upon the promises of Her Majesty's Government, the termination, "yours unalterably," was certainly a little remarkable. With respect to the change which had occurred in this person's politics since this epistle was written, he was informed that it was owing to Mr. O'Brien's having wanted to go, in the advocacy of his repeal notions, beyond the line of conduct which was considered prudent by others of his party. It was then Mr. O'Brien seceded from them and became their bitter opponent. It was for their Lordships to consider whether the appointment of such a person to the magistracy, to preside over the disturbed districts of Ireland, was not very discreditable to those who made it. He hoped Her Majesty's Government, when they became aware how improper an appointment it was, would lose no time in correcting it. But at the same time he could not help observing that they had been warned, or at least might have been warned if they had chosen, at the time they were making this appointment of the impropriety of it, the matter having been noised about and discussed in all the newspapers. As it was, the circumstance of which he now complained of was gazetted two days before this Return was made, it was not included in it. He should therefore conclude by moving that the Return be completed up to the present day.

Lord *Wharncliffe* said, that if the noble Marquess had confined himself to a complaint of the incompleteness of the Return which had been made in obedience to an order of this House, undoubtedly he (Lord Wharncliffe) would have had nothing to complain of in the course he had taken. But the noble Marquess had thought proper, also, to go into the whole merits of this appointment, and the character of the Gentleman in whose favour it had been made, and this without the slightest notice to Her Majesty's Government of his intention. He certainly thought it would have been more courteous, and more in accordance with the usual proceedings in their Lordships' House, if the noble Marquess had given some intimation of the course he intended to take, in order that Her Majesty's Government might have prepared themselves with all the information which the subject afforded. As it was, however, he (Lord Wharncliffe) would take care to inquire how it had happened that the name of Mr. O'Brien had not been included in this Return, and also as to the circumstances under which this appointment had been made.

The Marquess of *Clanricarde* said, he did not think that his noble Friend was open to any charge of unfairly attacking Her Majesty's Government on the present occasion. On the contrary, the attack was against the clerk for having omitted the name of Mr. O'Brien; and if Her Majesty's Government thought that this was a matter which could be allowed to remain where it was they were very much mistaken. He had intended himself, having heard of the appointment some days ago, to have brought forward a substantive Motion upon this subject, giving due notice to Her Majesty's Government of his intention; and all he could say was, that if this appointment were practically sustained, he should still think it his duty to do so. There was no one subject so importantly affecting the interests of Ireland as that of the appointment of the Magistracy, and the appointment of this Gentleman as a stipendiary magistrate, passing over, as was done here, persons well qualified, of undoubted respectability, who had invariably conducted themselves in the most exemplary manner, was not likely to give satisfaction to the people, but on the contrary, it was calculated to bring into disrespect the justice which was administered by those functionaries. The charge which his noble Friend had brought was one which could not be contradicted; and when Her Majesty's Government said that they did not know anything about the matter, it was only a repetition of the old excuse, that they did not read the newspapers. There was no newspaper in Ireland in which this appointment had not been noticed: and there was not one, not even of those which had printed Mr. O'Brien's letters against Mr. O'Connell, in return for which it was understood that this appointment had been given, that had ventured to say one word in favour of it.

The Duke of *Wellington:* My Lords, I must say that this debate is irregular, in consequence of the want of a notice on the part of the noble Marquess of his intention. If the noble Marquess had given notice respecting the inaccuracy of the Return which is now upon your Lordships' Table, inquiries should have been made into the reason of the omission of the name of the Gentleman among the list of Stipendiary Magistrates, who had been appointed within the period of the noble Marquess's Motion. Then followed another noble Marquess with his observations condemning the appointment, and mentioning that it had been severely commented upon in the Irish newspapers. Now, as regards that part of the speech of the noble Marquess, I must plead guilty to the charge, for I have not read one of the newspapers, and I have never heard before this evening of the name of Mr. O'Brien. I must say, that I am sorry that the name of the Gentleman who received the appointment complained of was not inserted in the list, seeing that his name had appeared in the *Dublin Gazette* two days before the list was made out. I beg to repeat, that if the noble Marquess had given notice of his intention, inquiries should have been made into the cause of the name being omitted in the list which has been furnished.

Lord *Brougham* said, he had always thus far concurred with this Gentleman—of whose existence until now he had been utterly ignorant—upon the subject of persecution,—without using the highly figurative eloquence about the "hallowed tinge" attending it; he had always objected to proscribing men for political opinions, and had disapproved of Lord Ebrington's declaration of his determination not to extend patronage to Repealers, because he knew the effect would be favourable to the cause; looking on Repeal of course as the greatest of all absurdities—as all men of sense in either country knew it to be; but he thought his noble Friends of the Government had taken a far better course, and were dealing with Repealers in a more "hallowed way" in promoting them instead of proscribing them; and he thought the process (so pleasing) would have perhaps a pretty effect on the "repealing minds of Ireland," to whom it would unquestionably appear a far more "hallowed" way of doing the thing, putting Repealers as it did in a much more comfortable predicament than that of persecution. Nor was this course without precedent, for he remembered that a right hon. Gentleman (Mr. Sheil), who sometimes used figurative language of a species similar to that of this Gentleman (though of a higher kind, perhaps), had been an ardent Repealer, and was by the late Government "hallowed" into the Vice Presidency of the Board of Trade, and what was exceedingly observable was, that the right hon. Gentleman had never uttered a syllable about Repeal ever since. A far more comfortable, gracious, and pleasing mode this of dealing with Repealers than persecuting them—a process, which no doubt, this Mr. Dennis—what's his name?—preferred, just as the right hon. Gentleman did. What could be the objection to his appointment, if he had been converted from his Repeal opinions? The Gentleman had given up his "unalterable attachment" for substantial reasons, and others would be equally happy to do so, if they had reasons equally strong. God knows, however, that everything connected with the administration of justice was a very serious matter. But he really thought that anything connected with it should be discussed in a solemn, serious manner. They ought not to discuss it in an attack upon an individual, without giving him notice of their intention to assail him, and without affording to the Government that had appointed him the means of defending him. If there was any objection to the character of the individual appointed, and if that objection were connected with the Administration, it became a very serious matter, and tended to throw discredit upon the Government, and they should be afforded the opportunity of replying to it.

The Marquess of *Clanricarde* said, the subject was undoubtedly a grave one, and if noble Lords opposite could shew that this person was fitted for his situation in any one respect, he should be satisfied with their negativing his Motion.

The Marquess of *Normanby* said, that in spite of the amusing and sarcastic speech of the noble Lord, he thought this a very serious subject, and it was greatly to be regretted, that, when his noble and learned Friend entertained the opinions he did, as to promotion being preferable to persecution, he did not impress these opinions upon the Government at the time that they dismissed the local Magistrates in Ireland,—not the paid Magistrates, it was to be observed,—for their Repeal opinions. As to the appointment of his right hon. Friend, he really did not think that his noble and learned Friend would have made that charge against the late Government, when he knew that the appointment had taken place many years after the opinions expressed by him on the subject of Repeal had been abandoned—for opinions expressed, and a part taken by him as a Member of the Legislature; and then he must own that he was still more surprised to hear his noble and learned Friend declare, that Mr. Sheil's appointment had never been objected to, that no objection had ever been urged against it. Surely, when his noble and learned Friend said this, he must have forgotten, that for two long years of his noble Friend's (Viscount Melbourne's) Administration, at every meeting of what was called Conservative gatherings there was nothing heard but the denunciation of the appointment of Mr. Sheil. It was one of the grounds of attack against that Administration. Now, as to the appointment of Stipendiary Magistrates, he must again state, that he considered it one of the most important which the Irish Government could make. He now, then, put it to their Lordships whether the person, whose letter he had read, could be considered one in the exercise of whose discretion any confidence could be placed; and whether a Government who made such an appointment was not to be considered responsible when they adopted a person who had committed himself to such sentiments. He had been accused of bringing forward this Motion without notice. The Motion was a mere matter of course. It was one he had heard moved a hundred times without the slightest objection being offered to it. No objection was urged against it in the first instance; and if the Gentleman had not been appointed at the time, then the Return he moved for would be the best defence of the Government. There was, it ought to be known to noble Lords, an Irish Office in town; and though his noble Friend (Earl de Grey) had declared that he never read the Irish papers, yet still in the Office to which he referred there ought to be the information which he sought. This subject had been a matter of discussion for the last month; and, from the objections that had been made to the appointment, and seeing the name omitted in the Return he had moved for, he considered that the appointment had not taken place. It was, then, under these circumstances, that his attention was called to the subject that morning, and if the appointment had been made when he proposed his motion, he could not conceive how it could be objected to. It was a matter of course—a thing that had been done a hundred times. When he said a matter of course, he recollected that when he was in Office, questions were put day after day, and week after week, by noble Lords opposite, and they were always expecting to have answers at once given them. He was not aware that there was anything irregular or unusual in the course that he had pursued. He was satisfied that he had done his duty in calling attention to the point, and he was glad to hear that it was now in the hands of his noble Friend, should the Government persist in their ill-advised appointment.

Lord *Wharncliffe* did not object to the Motion, but he did to what he must call the untimely and uncourteous nature of the attack made upon the Government, of which not the least notice was given, either to the Gentleman appointed or to the Government, so that it was impossible either to defend the appointment, or reply to the attack made.

The Earl of *Ripon* said, that he, for one, did not complain of the noble Marquess because he had proposed a Motion, but for his speech—not a simple statement—but a very violent speech. A Gentleman speaking was not always aware of his own violence; but he said that the noble Marquess had made a most bitter attack upon the Government—a most severe attack upon the Lord Lieutenant. The insinuation amounted to this, that the Lord Lieutenant had kept back the name of this Gentleman. If it were not so meant, that at least appeared to be the insinuation. Certainly no one who heard the noble Marquess, but must feel that a very serious attack had been made—it might be a deserved attack upon the writer of the private letter—the ridiculous letter that had been read; but then all this was done without notice. He did not complain of the Motion, which was a mere matter of course, but he said that no Government, conducted howsoever wisely or well at an instant, if an attack were thus made upon it, could possibly give an explanation. His noble Friend talked of reading newspapers—he seemed to consider it to be a duty to pick up all sorts of stories. He did not know how much idle time the noble Marquess had to read the Irish papers—nor how he could spare the time to go through them day by day; but this he knew, that a man who was engaged in public life found it impossible to read them. Whether the Lord Lieutenant of Ireland was to be objected to, because he did not read the Irish newspapers, and search out all the things that might be complained of in those voluminous documents, he did not know; nor whether it was conceived to be a part of his duty upon every single appointment he made, to ferret out in the Irish newspapers whether it was approved or disapproved of. As to the Motion it was all very right; but he did think that at another time it would be more fair to all parties whom the noble Marquess meant to condemn, to give them notice of his intention to do so.

The Marquess of *Normanby* hoped, that at another time the occasion might not occur for finding so much fault as at present. His noble Friend opposite had said that he found fault with the Lord Lieutenant with respect to the Return. He had made no attack upon the Lord Lieutenant as to the Return. He did, however, find fault with him as to the appointment, and when the occasion occurred would show just grounds for so finding fault with him. At the same time he did not hold him responsible for the Return. There was, however, the appearance of blame somewhere, if there were an omission in the Return. His noble Friend complained of his having made a violent speech. The facts were strong, and he left the facts to speak for themselves; and if there were any violence in his speech, that was to be found in the facts he had stated. His noble Friend had said, too, that it would not be convenient to hold the Government responsible for not reading the Irish papers. He attached no such responsibility to them; but there was the Irish Office in London, and the Government, through the means of that Office, ought not now to be without an answer. When his noble Friend, Lord Morpeth, was Chief Secretary for Ireland, he was never unprepared for the defence of any appointment that had been made. This was a point to which public attention had been very generally directed. The matter was one that had occupied a considerable space in the discussions on Ireland, and it was therefore impossible that the local Government of Ireland could be ignorant of it; that they could not be able to answer upon that which was a matter of notoriety.

The Earl of *Ripon* observed, that if the noble Marquess had brought forward his Motion on Monday, he could have been answered satisfactorily and fully. He presumed it was not the convenience of the noble Marquess to wait till Monday. Probably the noble Marquess was going out of town, and that was the reason for their having a premature discussion, and when Government could not have time to answer him.

Lord *Wharncliffe*: hear, hear.

The Marquess of *Normanby* remarked that such a defence of the Government must be exceedingly satisfactory to the noble President of the Council, when he cheered it so loudly.

JURIES IN IRELAND.] The Marquess of *Lansdowne* had, he said, to move for copies of any instructions given to the Crown Law Officers of Ireland relative to the Challenging of Juries in Ireland. Having received an intimation from his noble Friend opposite that there would be no objection to the Return he moved for, it would not be necessary for him to detain the House with more than a few observations. All he intended then to say, was to justify him in pressing upon their attention, whilst the general observations that he had to make should be delayed until the period when they would have under discussion that Motion on the state of Ireland, of which his noble Friend the noble Marquess had given notice, and which, in the exercise of that which, he must say, was a wise and sound discretion, he had determined upon delaying until at least after the short recess which was about to take place. The Motion, however, which he himself was about to make—it was one in which he sought for information, and that information he considered it was most important to the public in Ireland that they should be put in possession of as soon as possible, and that, too, in the most authentic shape and form. Everything connected with the administration of justice was important; but that which, of all other things, was the greatest feature in the due administration of justice, was the appointment and selection of the Juries. In this country and Ireland the greatest importance was naturally attached to that subject. It was, then, calculated to excite their serious attention, when they found that an apprehension was entertained that a mode was adopted by which certain persons or classes were excluded—it was calculated to produce the greatest possible alarm, when it was believed that this was done in the selection of Jurors. When the prisoner or the culprit was called upon in those solemn forms which were, however, so full of meaning; when in the ordinary or commonest trials a man was called upon to state how he chose to be tried, and in answer to that question was advised to say, that he would be "tried by his country," what was the meaning of that choice—what was the meaning of the declaration thus put into his mouth but this—that he was willing to be tried by persons partaking of the same sympathies, of the same feelings, of the same habits, with himself. Unfortunately it had been for a long time the practice in Ireland not to give to the persons tried that advantage which was thus intended for them, and the result was, a permanent want of confidence in the administration of justice. It had been the habit in using those powers and those forms, which in the hands of the Crown were intended for other purposes—it was the habit in using them to exclude the great majority of the people of that country from taking that share in the administration of justice which was their right. This had formerly prevailed to a great extent throughout Ireland, and to such an extent in some parts, that there were corporate cities (in which the corporations were now happily defunct) in which, for a series of years, not one Roman Catholic had ever sat on a Jury. In the present state of things, however, a better view of the subject was taken by those who had the superintendence of the administration of justice. By the precise orders given on the subject by his noble Friend near him (the Marquess of Normanby), and by the noble Earl who was then absent (the Earl Fortescue), who had lately filled the office of Lord Lieutenant of Ireland, the practice had been virtually abandoned, and since 1820 Catholics as well as Protestants had been admitted to serve on Juries, and the late Chief Baron Joy, although of what was called Orange politics, when Attorney General, seeing the advantage of having mixed Juries, had issued distinct orders on the subject, and the result was found to be most advantageous. If their Lordships looked to the various Reports upon their Table—if the Reports of their Committees upon the state of Ireland in 1824—1825 were referred to, they would see that the happiest effects had been the result, from the moment it was understood that Roman Catholics were allowed to enter into the composition of the Juries. He could quote the authorities of the most eminent Judges, of the most eminent Officers of the Crown, of the most eminent Crown Solicitors, and the most eminent Magistrates, all concurring in the opinion, that from the moment it was understood that Catholics were to act upon Juries, the administration of justice was improved, and that Roman Catholics did their duty in that respect in an exemplary manner. Such was the opinion of Mr. Justice Day, a most eminent and profound Judge; such, too, was the opinion of Mr. Barrington, the eminent Crown Solicitor; and of that useful and active Magistrate, Sir R. Becher. In short, every person of experience in the country testified to the advantages derived from this change in the old jury system. After this it was found necessary to have still more efficient rules laid down for the admission of Roman Catholics to Juries; and to prevent the powers of the Crown from being used for the purpose of excluding them, various instructions, having that object in view, were given by Judge Perrin; they were acted upon by Sir Michael O'Loghlen, and the matter was afterwards reconsidered by Chief Baron Brady, and various instructions were given, so as to insure that Catholics might be admitted on Juries. When that Return was before the House, it would be seen what had been done with respect to the admission of Catholics on Juries. He should rejoice to hear that the present Government had issued instructions to the same effect to their agents, and if it were so, the promulgation of those orders to that effect would, he believed, prove of the greatest possible advantage to them. The promulgation of these instructions would show that the power of the Crown was not to be exercised for the exclusion of persons on account of their religion: but equality was to be ensured. It would be useful to have that understood throughout the country—that it might be felt that exclusion would not attach to any person by reason of his religious opinions, but that if he were a person of respectability, he would be as likely to be left on a jury, as a person of any other religion. Circumstances to which it was not necessary for him to advert, but that were notorious to the whole country—admitted facts, which were known to the whole country—there were cases, he did not now mean a particular case, but there were certain trials that had lately taken place in Ireland, in which Catholics stood as criminals, and the jurors were exclusively Protestants. That may have been but an accident.

Lord *Wharncliffe* objected that he did not consider that that was a proper subject for observation at that time.

Lord *Brougham* observed, that it was one of the grounds on which the Return was moved for.

The Marquess of *Lansdowne* distinctly declared he did not mean to refer to an impropriety committed in a particular case. He desired to be understood as giving no such opinion. These things might have been the result of accident, and he did not contend that they were not. But some cases had occurred—which might not be known to his noble and learned Friend, if he did not read the Irish papers any more than Her Majesty's Ministers—a course had been taken by Her Majesty's Government, he believed, not with the intention or for the purpose of excluding Roman Catholics, but the result had been that the elief existed, and it was taken up by the provincial papers, and the consequence was, that great excitement, particularly in the counties of Monaghan and Tipperary, founded upon the suggestion, that it was the intention legally, nevertheless improperly, to exclude Roman Catholics. They must see, then, that there was a necessity to set the people's minds right upon this matter—to make known the intentions of Her Majesty's Government in this respect. He said this, because he felt that the existence of the Trial by Jury was not only valuable, as a means of arriving at conviction—not as a means of arriving at criminal punishment; but he considered it valuable and important, as producing between man and man regard and confidence in the administration of justice. It was a most important privilege of the subject—it was one of which he ought not to be deprived, but be permitted to share in equally with his fellow subjects. He believed it was not the intention of Her Majesty's Government to exclude Roman Catholics from that privilege. He sincerely believed that Her Majesty's Government had no such intention—that they would feel obliged for the opportunity being given of disavowing such an intention. Possibly they would take advantage of this opportunity. At the same time he wished to impress upon the House and the public that, in submitting this Motion, he did not impeach the conduct of the Government upon a particular trial—that he did not make reference to anything that had passed in a particular case; but generally he wished it to be known, that the instructions that had been given, and which were entitled to such pre-eminent praise had not been withdrawn—that it was the intention of the Government to pursue the same course in this respect with their predecessors—that this was their intention, and this was done without meaning to cast a reflection upon individuals, whenever they might be found to exist, who had a bias in conducting prosecutions, if they were not restrained, and bound down by the directions of the Government to which he had referred.

The Motion having been put,

Lord *Wharncliffe* who was almost inaudible, was understood to say that a Return was made to the House of Commons in 1842, containing a copy of the instructions given to the Crown Solicitor, regarding the striking of Juries in Crown cases, and that the last instructions given were issued, as the noble Marquess observed, by Chief Baron Brady. He now held in his hand a circular which the present Attorney General for Ireland issued on this subject when he came into office. The circular referred to several matters besides that of striking Juries, and so far as it related to the instructions given by the Attorney General for the striking of Juries, he had no objection to lay a copy of it on the Table; but he did not think it would be convenient to produce a complete copy, because, as he had said, it contained some matters which were in no way connected with the present Motion. He would read that part of it relating to the striking of Juries. It was as follows:—

> "The Attorney General presents his compliments to the Crown Solicitor for——, and having read the instructions given by Chief Baron Brady, as to the mode of striking Juries on the part of the Crown, requests the Crown Solicitor to continue to observe these instructions."

He trusted that, the noble Marquess would now feel satisfied that Government had made no alteration on the subject.

The Marquess of *Lansdowne* said, that as the noble Lord had promised to lay before their Lordships extracts from the circular bearing on the particular point, he would not, under these circumstances, further trouble their Lordships.

Lord *Brougham* felt bound to say as he had objected to his noble Friend bringing on this Motion for fear of its leading to an unnecessary discussion, that nothing could be more fair or more correct than the manner in which he had brought it forward. The Motion referred only to Crown cases, and had nothing to do with Special Juries, the challenging of Crown Jurors and the striking out individuals from Special Juries being totally different.

Lord *Campbell* said, there certainly was a marked distinction between challenging Jurors in Crown cases, and striking off Special Jurors, but he hoped the instructions would not be confined to Crown cases, but that the spirit of them should be, that no man should be struck off from a Special Jury because of his religious opinions.

Lord *Wharncliffe* said, that although it was true the instructions referred only to Crown cases, he should be very sorry that any person should be struck off from a Special Jury on account of his particular faith. He felt that as strongly as any man.

Motion agreed to.—House adjourned.

HOUSE OF COMMONS,

Friday, March 29, 1844.

MINUTES.] BILLS. *Public.*—1°· Factories (No. 2) Bill; County Courts; Bailiffs of Inferior Courts.

Private.—2°· Wells Harbour and Quay; Wells Lighting and Improvement; Hythe Landing Place; Middle Level Drainage and Navigation; Swansea Harbour; Southampton Marsh Improvement; Taff Vale Railway; Ness Fisheries; Metropolitan Buildings.

Reported.—Birkenhead Improvement; Midland Railways Consolidation; Durham County Coal Company; Newquay Harbour and Railway; Hartlepool West Harbour and Dock; South Eastern, Canterbury, Ramsgate, and Margate Railway.

3°· and passed:—Brandes Burton Inclosure; Guildford Junction Railway; Norwich and Brandon Railway; York and Scarborough Railway.

PETITIONS PRESENTED. By Mr. J. A. Smith, from Chichester, against the Poor Law Amendment Bill.—By Mr. Lefroy, from Cork, against the Municipal Boroughs (Ireland) Bill.—By Mr. Fuller, from Llanfaethlie, and other places, against the Union of the Sees of St. Asaph and Bangor.—By Lords Howick and Ashley, and by Messrs. McGeachy, C. Buller, Hindley, Ainsworth, and Fielden, from a great number of places, in favour, by Sir J. Graham, from Manchester, and by Messrs. Estcourt, and Egerton, from Trowbridge, against, the Ten Hours Clause in Factories Bill.—By Mr. Vivian, from H. G. Drewe, for Abolition of Imprisonment for Debt.

NAVAL FORCE—POOR RATES (IRELAND).] Sir *G. Cockburn* said, that seeing the hon. and gallant Member for Brighton in his place, he begged to make some explanation relative to a statement which he had made in the discussion on the Navy Estimates. The hon. and gallant Gentleman had asked him whether a naval force had been employed in the collection of Poor Rates in Ireland. He then stated that he knew nothing of any such transaction, and that although Naval Officers had certainly been employed to support the Magistrates, they could have only had a moral influence upon the people as respected paying Poor Rates. Since then he had thought it right to look over the reports made to the Admiralty upon the subject, which exactly confirmed him in what he had before stated. The hon. and gallant Officer read several reports from Naval Officers stationed on the coast of Ireland, to the general effect that the appearance of war-steamers had been productive of the best moral effect, and in many instances probably prevented a collision between the people and the military. The steamers were sent to assist the civil authorities and to maintain peace.

Captain *Pechell* said, that on the Navy Estimates he had pointed out that one, if not two, war-steamers, were employed in the collection of Poor Rates in Ireland. The hon. and gallant Gentleman opposite

(Sir George Cockburn) denied the statement, and said he was not aware of any such circumstance. He subsequently produced his authority for his statement, and the right hon. Baronet the Secretary of State for the Home Department made an apology for the hon. and gallant Officer, and he was satisfied with the apology. But since the hon. and gallant Gentleman had chosen to come down and vindicate his own case, he must say that his opinion was not altered. In fact, the hon. and gallant Gentleman acknowledged that ships of war were sent to aid the civil power, so that the Poor Rates were actually collected under the guns of the steamers. The difference between him and the hon. Gentleman was, that the latter said, he had no cognizance of the fact of the steamers being so employed, and he added that the Officers of those vessels had received no instructions from the Admiralty to collect the Poor Rates, but merely to aid the civil power; whereas he (Captain Pechell) inferred that those ships of war were kept on that coast in order that the police and officers of Government might the better insure the collection of Poor Rates. One of the steamers was, in fact, converted into a sort of Somerset House. He thought, that the hon. and gallant Gentleman had made the matter worse, for it clearly appeared that Poor Rates had been collected under the guns of ships of war.

HOURS OF LABOUR IN FACTORIES.] On the Motion of Sir J. Graham, that the Order of the Day for going into Committee on the Factories Bill, for the purpose of its being discharged, be read,

Mr. *B. Cochrane*, before this Bill was withdrawn, wished to say he believed that it was generally supposed by those hon. Members who had supported the Noble Lord the Member for Dorsetshire (Lord Ashley) that the noble Lord had fully made up his mind as to the course he should pursue on this Bill, and that he had looked beforehand not only into every probable but also into every possible circumstance that might arise; and that the noble Lord was prepared to overstep all those obstacles which a Government might be expected to throw in his way. Under these impressions he had certainly the honour of voting with the noble Lord. He, however, did expect that upon this question of a withdrawal of the Bill—after the energetic manner in which the noble Lord had expressed himself the other night, that the noble Lord would be prepared to carry out his views to the fullest extent. He would say upon this question that he considered the conduct of the Government infinitely more sincere—indeed, he would not be guilty of throwing any doubt upon the sincerity of the noble Lord, but he must say that he considered the conduct of the Government upon this question more apparently in earnest than that of the noble Lord. The right hon. Baronet (Sir J. Graham) was defeated on Monday upon his proposition of twelve hours labour. He, however, again brought the question before the House, which, though an unusual course, was, he believed, under the circumstances, a justifiable one; and the right hon. Gentleman was again defeated upon the twelve hours proposition; and on the same occasion the ten hour proposition of the noble Lord was also defeated by a small majority. The right hon. Gentleman then asked for a further delay, so as to enable him to decide upon what course, under the circumstances, he should pursue. The right hon. Baronet subsequently said that he would enter into no compromise or concession upon the point in dispute; and he (Mr. Cochrane) concurred with him so far,—that if the principle for which he was contending was worth anything, he should not submit to any compromise or concession. Though some hon. Members might have thought that an eleven hours Clause might have been a fair question for the right hon. Gentleman to have substituted, he had refused to entertain such a question, and preferred the withdrawing of the Bill altogether. He wanted to know why the noble Lord did not carry out the principle which he advocated so warmly, and object altogether to the withdrawal of the Bill. What was the present state of the House in reference to this Bill? The very same Bill, out of which the twelve hours Clause had been already struck, was again to be introduced to them for their consideration and adoption. What was the object to be gained by this delay? Why, it must be obvious to every person in this House, that the object in view was simply to gain time. It had been said, that the greatest policy of a Statesman was to gain time. Would it be a matter of greater possibility to carry the ten hours Clause after Easter, than at the present time? The noble Lord might no doubt say, that it was an unusual course of proceeding to object to the withdrawal of a Bill. It might be so; but had not the right hon. Baronet adopted an unusual course of proceeding on the subject? He thought that in a question of this nature, if a man had once put his hand upon the plough, he should never be induced to look back again. The noble Lord might again say, that the Government had declared this to be a party question, and that under the circumstances he did not wish to offer any opposition to the Government in moving for the withdrawal of their Bill. But he should recollect that the question would be equally a party one after Easter, as it was before it. Did not the noble Lord "keep his promise to the ear, and break it to the hope?" Was there a moral probability of the ten hours Clause being carried after Easter, if it were defeated before it? No doubt the fourteen days which should intervene before the reassembling of Parliament would afford a great opportunity for agitating this question. He believed that the noble Lord said the noble Viscount the Member for Sunderland had concurred with him in the propriety of not opposing the discharge of this order. The noble Viscount might delight in agitation outside; indeed he understood that it was the intention of the noble Viscount to go down into the different districts for the purpose of agitating the question. This he would say, in respect to any agitation, he had supported the noble Lord on this question up to the present time, but he objected to all agitation out of doors, either on corn law repeal, or factory labour. This was a question which should be discussed calmly, dispassionately, and solemnly in this House. He thought that if this measure were only to be carried by the continued display of excitement out of doors, it would be almost better to give it up altogether. There was one point he wished to allude to in reference to what the noble Lord said the other night. He never was more astonished in his life than when he heard the noble Lord state that this Bill, in his opinion, would reduce wages. He (Mr. Cochrane) would have nothing to do with it if he thought it would have that effect. As he had supported the Bill, he should continue his support to the ten hours proposition; and he did not think that the result of such a measure would be to reduce wages. Permit him to state his reasons for saying so. He considered that in most cases it could not reduce wages much, for in most of the manufacturing towns they had already arrived at the minimum of wages. He would say that the manufacturers would be amply compensated for this reduction of labour, and in a short time they would find that for the two hours' loss they would sustain by the adoption of such a proposition as this, they would be fully compensated by the addition of energy and nerve which would be thrown into the morning's work. "A fair day's wages for a fair day's work," was a good and wholesome maxim. He, therefore, believed that the proposition they were contending for, would not ultimately have the effect of reducing wages. If the noble Lord, however, thought that wages would be thus reduced, the noble Lord should have followed up his ten hours Clause with a measure like that of Mr. Whitbread, who, in 1793, brought in a Bill for regulating wages. He had thus far ventured to make these few remarks as to the position in which they were now placed in reference to this subject. He was afraid that this question would not now have the result which the noble Lord's party desired. He was afraid that much of the time of the House had been lost. He would only ask every unprejudiced person to look at the state of the House—what it is, and what it was. The noble Lord had, the other night, appealed in terms almost unusual in this House, to those hon. Members who had supported him in his proposition. In the most solemn manner the noble Lord asked them not to give way one inch. Hon. Members were thus kept in town for the purpose of supporting the noble Lord upon this field of battle. But then they found the noble Lord coming forward, and telling them that after Easter he would decide upon what course he would pursue. The country had been agitated to little purpose, and the time of the House had been taken up on this subject, without any object whatsoever being gained. This had been occasioned, not from any want of sincerity on the part of the noble Lord, for no person could accuse him of that, but earnestness of resolution in all relations of life was absolutely necessary to ensure success.

Mr. *T. Duncombe*: I am sure the House will excuse me for standing between the explanation of the noble Lord and the observations of the hon. Member for

Bridport, inasmuch as I mean to move an Amendment on the Motion of the right hon. Secretary for the Home Department, which may also call for some remarks from the noble Lord. Had it been the pleasure of the Government to have made a House yesterday, it was my intention to have given notice of the Amendment which I now mean to propose. I participate most fully in the great disappointment and surprise expressed by the hon. Member for Bridport, at the course which the noble Lord has pursued. Like the hon. Member for Bridport, I followed and fought with the noble Lord in those ranks, which to the last I thought the noble Lord would have commanded, and more particularly as I believed we had arrived at the hour of victory; and I am sure that no circumstance ever occurred which caused greater regret in the country than the noble Lord's decision in reference to the postponement of the discussion until after Easter. Now, Sir, the Amendment I am about to propose will, at least, rescue those who vote for it, from what I consider the well-merited charge of abandoning those principles which they twice recorded, and of surrendering the advantages of which they are at present in possession. It is, after the words, "the Order of the Day, &c., be discharged," to insert these words—

> "With a view not only of carrying into effect, in any future measure, the recorded decisions, of this House, that the labour to be performed by young persons and females should be less than twelve hours a day, but also with a view of maintaining good faith with those whose confidence in the integrity of the votes of this House is indispensable to its character and its existence as a deliberative and representative Assembly."

Now, how stands the case at the present moment? The House has told you, in three divisions, that twelve hours labour was too much for females and young persons employed in factories; and the Government, not being able to convince this House (as they, I believe, never will be) that twelve hours is not an unnatural time for the labour of such persons, have abandoned their Bill, with the assurance from the right hon. Secretary for the Home Department, "You must take this Bill, or something similar, or you can't get any at all." The noble Lord made a solemn appeal to us, on Friday, to stand by our recorded verdict, and to uphold our own solemn decision. We owe it to ourselves, that in some shape or other, we should give a pledge to the country, that the Amendment which has been carried, will be introduced on a future occasion. I say, we owe it to the dignity of the House, and to the people, that we should put on record some such sentiment. The right hon. Secretary for the Home Department dwelt, on Monday night, on the three courses which Ministers had to pursue. I think it might have suggested itself to him, and if it did not, I beg leave to remind him now, that there was a fourth course they might have taken, and that was, that instead of withdrawing the Bill, they might have withdrawn themselves. So far from such a step being at all impracticable, or causing any regret, nothing would have given greater satisfaction to the country. Instead of that, we are told, the Cabinet have solemnly deliberated and determined on this course, to reverse a solemn decision arrived at three times. The right hon. Gentleman tells us, moreover, that he can hold out no hope of introducing anything short of twelve hours; and yet this House, calling itself a reformed House of Commons, and a deliberative Assembly, suffers the Bill to be withdrawn, and does not place on record any opinion as to the conduct of the Government, and gives no pledge as to their future course. We are to take this Bill, or something like it, or none at all. The right hon. Gentleman reminds me of a captain of a merchantman, who freighted his ship to the West Indies with dry stones and cheese. When the ship arrived the cheese was in great request, but there was no demand for the dry stones. Finding this, the captain said, "If you take my cheese, you must also take my dry stones. I will not part with the one without the other.' So the right hon. Gentleman comes with his Factory Regulation Bill in one hand, and his twelve hour dry stones in the other; and he says, if you don't please to take the latter, you shall have neither one nor the other. I think the right hon. Gentleman bids fair, like the West Indian captain, to have the whole freight left on his hands; for, I trust, the House will never allow him to pass a Bill with the twelve hours Clause in it. We, who support the Amendment, are accused, I will not say of improper motives, but here and elsewhere charges are brought against us which are wholly unjustifiable. The right hon. Gentleman found fault the other evening with the hon. and learned Member for Liskeard, because he said, in our new social state, a new system had been pursued. Why, can any one doubt that we have arrived at a new social state, particularly in the manufacturing districts? Look at the appalling distress and discontent that exist: look at the state of our working population, whether agricultural or manufacturing, and look at the increase of crime. Our population, we know, has increased within the last ten years 12 or 13 per cent. And what is the increase of crime? 15 to 18 per cent. annually. Read the charge of Justice Creswell, at the last summer assizes at York. He says, that in Yorkshire and Lancashire, crime has increased twofold within the last seven years. Read Sir A. Henniker's address in Suffolk. Does he not say the labouring population is in a state of discontent, and that it behoves the country gentlemen to remove their grievances? Well, then, is it not true that a change has taken place in our social system, that requires the vigilant care of this House? We are told by certain political economists, on our side, that our attempt to regulate the hours of labour is absurd, and that the grand panacea for all our evils is the repeal of the Corn Laws. Now, I believe, if the Corn Laws were repealed to-morrow, the due limitation of the hours of labour would be more than ever necessary. I have seen with much regret the course taken by the Gentlemen of the Anti-Corn Law League on this subject. I am sorry they have not shown that they, the master manufacturers, are prepared to make sacrifices for the benefit of the people. If they had done so, I think they would have been in a better position to appeal to the landed interest, and call on them to make a sacrifice too by the repeal of the Corn Laws. It is quite clear that the working classes cannot, by possibility, submit to further sacrifices; and that sacrifices must be made by those who are better able to bear them. The whole question now turns on this—is the House prepared, when a new Bill is introduced, to stultify itself, and to become a laughing stock in the eyes of the country? I, for one, do not intend to be dragged through the mire with the noble Lord, or with any right hon. or hon. Gentleman. I shall feel it my duty to place on record my opinion. I have been requested by large bodies of the working classes to state their views: and I shall conclude almost in the words of the solemn appeal made to us the other night, to stand by your solemn and recorded verdict, and not to allow yourselves to be dictated to by Her Majesty's Ministers, or sacrifice your consistency, because the noble Lord (Lord Ashley) may find it inconvenient to oppose the rescinding of the Order of the Day. Neither do I wish to oppose that Motion; but I take this course on the express understanding that the views of the majority of this House shall be sanctioned in any new Bill that is introduced.

The hon. Member concluded by moving the Amendment above announced.

Lord *Ashley*: Not having had the advantage of hearing the first part of the speech of the hon. Member for Bridport, I must be content to rest under any imputations thrown out in the course of it; but he appears to have confounded my views (and to this I do not object, quite the reverse) with those of my noble Friend the Member for Sunderland; so that much of what he has said against me should have been directed against my noble Friend, and much charged upon my noble Friend I have to answer for. But one of his allegations was distinct enough, and that was that I admitted that a ten hours Bill would cause a reduction of wages. Now, what I did say was, "Suppose, for the sake of argument, my proposal would lead to a reduction of wages, the operatives are perfectly ready to meet that reduction," and I stated to the House what were the arrangements by which they could meet the reduction in their wages. Let me now explain to the House in a very few words the grounds of the course I have taken with reference to the present Motion. I began by doing that which it appears the hon. Member for Bridport had not done—I took the advice of those capable of giving it. When the right hon. Gentleman made his statement I confess I was taken by surprise, and so was the House. The House required a certain time to deliberate before it came to a decision. During that interval I consulted many who voted with me, not quite confined to this side, and supposed to have a sympathy with the Government, but a great many on the other side, who gave me that advice which they thought best for the promotion of the question we all had at heart, totally irrespective of consequences to any party. Just see what would have been the result if I had taken any other course than that I chose. It is quite true that by the vote on the second Clause we had obtained virtually a ten hours Bill, but on the eighth there was an actual decision that the House would have no such thing. The Bill then presented, as the right hon. Gentleman said, a mass of contradictions. It was quite impossible to proceed, and the Government suggested, by way of extricating themselves from the difficulties by which they were surrounded, that they should be allowed to withdraw their Bill on the promise (a very important matter), that another should be substituted for it. My own impression was, that I should yield to that suggestion; but I was confirmed in that view by men of the greatest experience at both sides. Now, observe the effect of my saying "you shall not withdraw your Bill, but you shall try the effect of another debate and division." In the first place I should be compelled to do that which, during eleven years, I have ever avoided—to take a debate and a division on mere technicalities and points of order. I invariably pursued the course—and up to the present time it has prospered—of never taking a debate except on great and intelligible issues. If I put the question on an issue which could lead to no satisfactory result, in any case success was absolutely impossible. I will venture to say, instead of having a majority only of seven against me, as I had on the ten hours Amendment, I should have had 70 or 80, or 100. What position would the question have then been in? Would it not have been taken, if not by the country, most assuredly by the great body of the operatives whom I represented, as a decided expression on the part of this House of hostility to the great object which they so long and so anxiously sought? That was the reason why I took the step I did; but when I was confirmed in that view by men of the greatest experience, and, as I said before, by men not having any sort of sympathy for those at this side, I felt the course I determined upon to be by far the best with reference to this very question. Do not let it be said—for something like it has been insinuated—that I endeavoured to reconcile the interests of those whom I represented with the continuance in office of my political friends. I am not in the habit *spargere voces in vulgum ambiguas;* and, as I said before I say again, the course I have determined on I shall pursue, irrespective of consequences to any Government that exists, or that can possibly be formed. The hon. Gentleman says, I compelled him to come down, and then I cannot tell him what course I mean to pursue. Why, I announced on Wednesday how I should act, and the hon. Gentleman, therefore, cannot complain of being taken by surprise. But not only he says have I taken him by surprise, but that I asked to be allowed time until after Easter to make up my mind. I said no such thing. If the new Bill were now before us, I should give a positive declaration as to the course I meant to take; but surely I cannot be expected to state that until I see the new Bill of the right hon. Gentleman. If I see the Bill on Monday morning, I shall, if the House wish it, declare what course I shall pursue immediately after the recess. I am very unwilling to discuss comments on my own conduct. I do not know what may be the result of Gentlemen rising to attack me in all directions; but this I will say, I believe I have maintained my tranquillity up to this time; and I can assure the House that tranquillity was not external, but internal, for I have not felt in the least degree angry or exasperated in consequence of the remarks of any one opposed to me; and really if I had, I should have been most unreasonable and ungrateful, for I am sure of this, no one ever received from all sides of the House so many marks of constant and unmerited kindness and courtesy. But allow me to say again, whatever may be the insinuations against me for having used the phrase, I solemnly adjure you to stand by your recorded decision, and I declare, for myself, no earthly consideration shall turn me from the course I have endeavoured to pursue; and, so far as I am concerned, I care not what personal consequences may fall on my own head.

Mr. *B. Cochrane*: The noble Lord's absence from the House during my remarks does not warrant him in misrepresenting me. I did not charge against the noble Lord that there was an understanding between him and the Government. I said I thought the noble Lord perfectly sincere. I repeated it again and again. I hope, therefore, the noble Lord will prove that frankness which characterises him, and of which he boasted to-night, by withdrawing an expression which was not warranted by anything I said. I am not in the habit of dealing in "insinuation." If I thought him guilty of any connivance with Government I should not make the charge without good grounds, and I should then make it openly and above board. What I did say was, I believed him to be perfectly sincere, though he had, in my opinion, committed an error of judgment.

Lord *Ashley*: I can assure the hon. Gentleman I have no hesitation in withdrawing any expression of which he complains. So far as I gathered from report, I was under the impression that the hon. Gentleman said I was unwilling to press my Amendment, lest I should disturb the Ministers in their places. As he disclaims having said that, I withdraw everything that could have given him the least offence.

Viscount *Howick*: As I expressed a very strong opinion on the withdrawal of this Bill, I wish to say a few words, particularly as my noble Friend (Lord Ashley) truly said, that I assented to the course which he meant to take. The simple reason on which I agreed to the proposal of my noble Friend was this—that two evenings ago he informed me he had ascertained what was the feeling of his supporters, and he found if he resisted the withdrawal of this Bill, he should lose so large a proportion of his supporters, that he must be left in a small minority. I said to him, if that was so, I was quite ready to waive my opinion. I still think, that for those who entertain our opinions, the right and judicious course would be to resist the withdrawal of the Bill; but if those who concur in our views object to such a course, then it is quite clear it would prejudice our case to have it announced that it was supported but by a small minority, and that I am persuaded my noble Friend was bound, as is every man having charge of a great subject, to defer in a certain degree to the opinions of his supporters. I further said to my noble Friend—from whom I never for a moment thought of taking the lead on this subject—that if he found that the feeling was against a division on the withdrawal of the Bill, I would not be the person to divide the ranks of those in favour of a further restriction of the hours of labour by persevering in the course which, according to my judgment, was the best. But I still say, that under the very extraordinary circumstances under which we were placed by the course taken by the Government—a course anything but respectful to this House and to the majority who voted on a former evening—it would have been better if all acted together to resist the withdrawal of this Bill. Because, what is it we are now called on to do? Her Majesty's Government have described their course to be this—they are about to obtain the consent of the House to discharge the Order of the Day for going into Committee on this Bill, and, having done so, they mean to introduce a new Bill, which will, it is true, have a different title —which will be called a Bill for Amending the Existing Law as to Factory Labour, instead of a Bill to Repeal the Existing Law, and to Regulate the Labour of Young persons and Women in Factories, but which, in substance and effect, will be precisely the same. Like that Bill, it will for the first time introduce a system of relays in the employment of children; it will have new regulations as to education; it will impose restrictions on the labour of grown-up women, and like that Bill, and unlike the determination of the House, it will make that restriction twelve hours, and not eleven or ten. I presume that so introduced it will, as a matter of course, be read a first and second time. In the Committee my noble Friend will move precisely the same Amendment he did before; therefore the effect of the course of the Government will be, that without any division, and with the tacit consent of the parties to the Amendment, our former decision will be reversed. If the Government had determined to do this on the bringing up the Report, or on moving the recommittal of the Bill, we should be in the advantageous position of having already made alterations in the measure, in accordance with our views; but instead of that, they take the indirect and unusual course of virtually defeating the decision of the majority, and placing us after all our debates and our four divisions, exactly where we began. Now, I must say, that this is a most extraordinary course. If the Government were of opinion that they could induce the House to reconsider their judgment, the proper and straightforward proposal would be to move the recommittal of the Bill, in order to go back to the first Clause and consider each Clause *ab initio.* But in order to gain some temporary advantage, to gain, what they have certainly succeeded in gaining, the advantage of throwing the ranks of the supporters of the Amendment into confusion, and inducing them to surrender, before they were aware of it, an advantageous position, they have brought things to that pass, that we shall find ourselves in the position in which we were before the discussions and divisions began. I cannot help, then, expressing my regret, that those who supported my noble Friend did not go along with him in resisting the discharge of the Order of the Day. Suppose that the Amendment of my noble Friend be carried, on coming to the Clause to which it refers in the new Bill, that Measure must be persevered in contrary to the wishes of the Government, or, with a majority in favour of our views, we must acknowledge ourselves defeated, and allow the Government to pass the Measure in any shape they think proper. As to the inconsistency of the two Amendments moved in the present Bill, I think that of no consequence. It is perfectly true there is a technical inconsistency between the first Clause and that amended by my noble Friend; but if either of the propositions to which the House agreed had been settled definitively, the difficulty would have vanished. I understand the meaning of the two decisions to which the House came, to be this—that they desired a compromise. Having rejected the proposal of twelve hours and that of ten, it was clear the majority was in favour of an eleven hours Bill. Now, I think it would have been far better if Government had acceded to that view. Surely they must have a low opinion, indeed, of the energy and enterprise of our manufacturing population, if they supposed that the diminution of an hour in the labour of women and young persons rendered the continuance of our manufacturing superiority impossible. I, for one, do not for one moment entertain such an apprehension. Practically, the workmen and masters would then have found the effect of the reduction of time, and we should have seen whether there would have been a reduction of wages. In my opinion there would. A less reduction, I doubt not, than there would have been according to the view stated by the Secretary for the Home Department; but still a reduction of wages. The hon. Member for Bridport made a remarkable speech, going over all the old clap-traps of the opponents of the Clause of which he is nominally a supporter, and said he could not at all understand how any one could vote for the Clause with the belief that it would effect a reduction of wages. Now, I think it is quite possible, on the grounds my noble Friend has stated, to support the Clause in that belief. No doubt, a reduction of wages is, in itself, an evil; but this is a question of two evils; which is the least—a reduction of wages, to no very great extent as I believe, or a system of labour which, we are informed, on the best authority, breaks down the health and strength of those subjected to it? [No, No.] I can only say, that it is the opinion of those best qualified to judge. Of course, I can give no opinion of my own; but I am adducing that of the Inspectors of Factories, whose judgment Her Majesty's Ministers have followed in great part of this Bill; and it is grounded on facts they quote on the authority of medical officers. I am not speaking of men; but for women and children I believe that twelve hours' labour in a day is too much. All I wish to do at present is simply to explain the grounds on which, though I still adhere to the opinion I expressed on a former evening, that the right course for the advocates of a greater reduction of the hours of labour, than that recommended by Her Majesty's Government was, to resist the withdrawal of the Bill, I have thought it my duty, wishing to do as much as I could in support of the Clause, to waive my own individual opinion, and yield to the judgment of my noble Friend and those with whom he is acting. I can only say, that having made this selection, it is impossible for me to vote for the Amendment of my hon. Friend the Member for Finsbury. I shall await, during the progress of the Bill, after it has been brought in, a further opportunity of discussing the principle on which the Amendment of my noble Friend is founded.

Sir *R. Inglis* said, the only fault he could find with the speech of his noble Friend the Member for Dorsetshire, was one of omission—that he had not stated with sufficient distinctness, although doubtless it had appeared by implication, what line he meant to take in respect to the Amendment of the hon. Member for Finsbury. But he had every reason to believe and to know that his noble Friend intended to give a decided negative to that proposition—a course which he, individually, certainly meant to follow. He wished he could have followed in another matter the example of his noble friend; he wished he could have said, as his noble Friend had said, and as the whole House admitted he was justified in saying, that he had never introduced into that discussion anything like excitement of temper. He regretted that he could not say this, but there were certainly difficulties in dealing with these subjects which, though not of a party character, were, nevertheless, exciting; and, indeed, involved feelings of a higher kind;

still this did not justify such excitement when it led to any breach of Christian charity. He knew his noble friend could say, and the House admitted the correctness of the appeal, that in the discussion of subjects of this high moral character he had never permitted himself any feeling or expression of this kind. He trusted the example set by the noble Lord would be followed; and in the negative he now desired to give to the Motion of the hon. Member for Finsbury, he was not actuated by any principle of party warfare. He believed he only expressed the feelings of all parties when he declared his regret that such an apple of discord had been thrown in among them by the hon. Member. It might not be inconsistent on the part of the hon. Member, but it was inconsistent with the understanding which his noble Friend expressed two or three evenings ago, that Government should be permitted to withdraw the Bill of which they had charge, while his noble Friend should reserve to himself the unfettered right of exercising his own judgment in respect to the Bill that was to be brought in. When it came before the House it would be competent for any Gentleman to interpose any Amendment that would best carry out the noble principle which they wished to see adopted; but his noble Friend would also be prepared to bring forward his views in that substantive form which the rules of the House might render most available for his success. He believed his noble Friend could not have dealt with the Bill if it had been left in his hands by Government; he would have been defeated on every stage, by delay, if by nothing else; and, therefore, his noble Friend had exercised a sound discretion in the course he had adopted. One word as to an hon. Member who was not present; the hon. Member for Bridport did not insinuate anything against his noble Friend, but he did state this—that, admitting the sincerity of Her Majesty's ministers, they had acted on their views with consistency; and that while no one could doubt the sincerity of his noble Friend (and he was sure no one who had observed his noble Friend, whether in or out of the House, could doubt it), he, at least, had, not carried out his principles with such sternness as Her Majesty's Ministers. This, to his apprehension, was the effect of that statement. He said this because his noble Friend was not in the House at the time, and might have received an erroneous impression.

Mr. *Acland* rose with feelings of great embarrassment to endeavour to express the view he took on this question. He was one of those who, feeling a very great responsibility which attached, not merely to those in office, but to every individual Member of Parliament, had made up his mind in the course of the debate, and had voted with his noble Friend the Member for Dorsetshire. He did so, not from a feeling that a question like this was to be dealt with by looking exclusively to humane or commercial considerations, for he believed that the question was essentially composed of considerations of both kinds; but he hoped he should not be supposed to say anything at all offensive if he did say what was the fact, that he was much inclined to vote as he had done by some of the speeches which fell from that (the Ministerial) side of the House, against the noble Lord. He did think that, in the earlier speeches delivered on this question, there was a too rigid and exclusive application of abstract principles of political economy. He did not mean, in that House, to use any common-place taunts against political economy; but there were two ways of dealing with the question, and it appeared to him that abstract principles were too strongly urged, and that the practical effect of those arguments was to go against a Factory Bill altogether. It was under the influence of that feeling that he had given his vote for a ten hours Clause. He had been greatly disappointed, (the judgment of the House having been expressed for a compromise, by a decision for something less than twelve hours, and yet, by the refusal to take the whole responsibility of the ten hours system,) that some middle point in this question had not been found. When he read the contemptuous statements directed against those Members who had voted against twelve hours in one division, and against ten in the other, he confessed he could not see what common sense there was in such arguments. After the statements of the hon. Member for Leeds, as well as of Members on the other side of the House, that it was a common practice with millowners to work only for eleven hours, and that this was really the best course that could be adopted, it was surely open to them to embrace that practical amendment, by which they would have obtained an eleven hours Bill. He had endeavoured to form an honest and sincere opinion on this question; the noble Lord, arguing in a different sense, had, far better than he could, also expressed his feelings as to the situation in which the House was placed. He could only say, if the House was prepared to see some one in the Home-office who would execute as well as carry a ten hours Bill, it might be well to stand out for that Bill; those who thought so, would act on their conviction, and take a course which might be attended with that effect; but he confessed he was not prepared for this, he was not one of those who thought it would be on the whole best to take that course. But those who were not prepared to take that course were not acting wisely or for the honour of the House in determining to adhere to the ten hours clause, without intending to carry it, like those who stepped up to the breach, and then shrunk from mounting the walls. He thought it better to pause in time. Independent Members on both sides had come forward and taken a very great responsibility, they had expressed an independent and honest opinion; having done so, if they meant only to protest, they had done enough—if they wished for a change of Government, let them carry out their opinions. He meant to protest in favour of the principle of protection for labour, and that principle he hoped to see carried out eventually. He did not mean, however, to insist on a ten hours Bill during the present Session; it appeared to him impossible; or, if possible, he was not prepared to say it would be worth so high a price. [*Cheers.*] Well, Gentlemen opposite might cheer; he knew such remarks on a change of Government were always laughed at. He must allude once more to the speech of the noble Lord the Member for Lancashire (Lord Stanley); he was of opinion that those who voted as he did on the two first divisions ought to be most thankful to the noble Lord for placing the position of the question so clearly before them. It was not a question of principle; the principle of protection to labourers was admitted; but the question was, whether they were prepared at all risks to carry a ten hours' clause at present, or to accept as much protection as they could carry with the consent and concurrence of her Majesty's Government, and of a very large proportion, nay a very great majority, of the manufacturers interested in the question. He would rather accept this alternative. He preferred such a change as would be agreeable to the great body of the manufacturers: he thought it desirable, too, that those who carried a ten hours Bill should also be those who were to work it. It appeared to him impossible that a ten hours' clause should be carried against the Government, and that they should be obliged afterwards to execute it. He hoped he had not now put himself forward in a position which some might think unseemly. With respect to the course of the Government, they did not yet know what the Bill about to be brought in was to be. He would only say, that the confidence he placed in the Government, on most occasions, would be much impaired if they were now to turn round and say they were prepared at once to carry a ten hours Bill. He retained the right of taking a perfectly free course as to the details of the clauses. The noble Lord's proposal would not give a ten hours clause in less than two years and a half. During that time he trusted the principle of protection to labour would be cleared from some of the asperities and difficulties by which it was surrounded; and the Government would find some reason to moderate somewhat the harsh principles they had applied to this question, and to yield to the increasing public opinion in favour of that mitigation of the horrors of the factory system advocated by the noble Lord.

Lord *J. Russell:* It appears to me, Sir, that the speech just delivered by the hon. Member has somewhat changed the position of this question as it affects the House. But, before I allude to anything which that hon. Gentleman said, I wish to make some remarks on the difficulties of the position in which the noble Lord who was the mover of the question, and the House, are placed. I cannot but think, I find it impossible to come to any other conclusion, that the Motion which the right hon. Gentleman now makes, coupled with the intimation as to the nature of the Bill he proposes to introduce, cannot fail to be a blow to the authority of this House. That course, no doubt, is the most convenient which the Government could adopt for itself; but with respect to this House, I fear its authority must suffer by their proceedings in this matter. What is the state in which it now stands? There have been no less than four divisions on this subject. I certainly had understood, from the statement of my noble Friend the Member for Dorsetshire, that he had come to some understanding with the Government that the question with respect to ten hours or twelve hours should be taken, not on the eighth, but on the second Clause of the Bill, and that upon the Amendment he was then to propose, the question between those two different periods of labour was to be decided. The House decided on two separate divisions after two nights' debate, separated by the Saturday and Sunday, in a full House, with an opportunity for every person to attend who chose to be present at the discussion, in favour of the noble Lord's proposition. The right hon. Gentleman then declared that he would take—not accepting the decision come to by the House on the second Clause—a discussion and division upon the eighth Clause. On a subsequent night there were two divisions on the eighth Clause; in the first of these the House again put its negative on the period of twelve hours; in the second, on the period of ten. Therefore, the result of the deliberations of the House was, that there had been three divisions against the period of twelve hours, and one against that of ten hours. If the Bill had gone on, either in the hands of Government or in those of the noble Lord, it would have been necessary for the House to come to some decision, either avowedly reversing its former decisions in favour of ten hours, or adopting the middle course of eleven hours. But the right hon. Gentleman proposes that the House should now, by withdrawing the Bill, consent to frustrate altogether the three separate divisions by which the House decided that they would not consent to the time of twelve hours, and that the House should consent to the introduction of a Bill which should contain, as part of its provisions, twelve hours labour for those persons who, by the decision on the second Clause, were to be restricted to ten. Sir, it is impossible that that can be done, and done in this way, without a complete reversal of the decision of the House, shaking the opinion of the country generally as to its consistency. Why, then, was that course not pursued by the noble Lord? I think on grounds very sufficient, which, while they leave the mischief of injuring the authority of the House, must yet be paramount to him, as refers to the question itself, with respect to which, for so many years, he has shown so much perseverance. I cannot but think, with my noble Friend near me, and others, that if it had been made a question in this House whether Government should be permitted to withdraw the Bill they had themselves brought forward, there would then have been an opportunity for representing to their supporters, whether friendly to the noble Lord or not, that, in refusing to allow the Bill brought in by Government to be withdrawn, they were not behaving with that due regard, respect, and reverence which the Executive Government has a right to expect. The question then would have been changed, and that mischief which my noble Friend has always wished to avoid would have been incurred. Instead of arguing simply on the question to twelve hours or ten hours labour, it would have been confounded with the degree of confidence and support which the House wishes to give to the Government of the day; and my noble Friend would have had a defeat on the legislative question while, in fact, the question was rather one as to the grounds and the degree of support to be given to the Ministers of the Crown—there being also many of my Friends near me who take the same views as the Government on this subject. Therefore, I entirely concur with my noble Friend that there would have been a considerable majority against him on this question, and he would have prejudiced the cause of those whom he defends; and I differ entirely from the hon. Member for Finsbury as to the charge which the hon. Member brought against my noble Friend, of deserting those whose cause he has undertaken. I think, as respects that, my noble Friend has taken the wisest and most judicious course. At the same time, I did not attempt to influence the noble Lord's decision; and if he had come to the opposite determination, that it was wise to oppose the withdrawal of the Bill, I certainly should have appeared here to have given my vote with him against that withdrawal. I come now to a very different question, which is, the mode in which my noble Friend, suffering under the disadvantages he has to encounter, is to treat the Bill which it is proposed to bring in. The Government, as I have already said, getting rid of the whole of the decisions of the House by a course which, though convenient to them, is the least fair they could have chosen, it remains for the noble Lord to consider what course he is to take, so as to bring this question as simply, clearly, and fairly as possible to issue on the point on which he wishes it to be tried; and he will do it, I have no doubt, in such a way that it will be properly a question of legislation which it is competent for this House peculiarly to decide on its own merits. Because, let us recollect, after the doctrines we have heard from the right hon. Gentleman when in opposition—doctrines which it now appears in office they are following out consistently—Acts of Parliament are passsd by the Queen's Majesty, not with the advice and consent of Her Majesty's confidential advisers of Her Majesty's Cabinet Council, but with the advice and consent of her Lords and Commons in Parliament assembled—so that what we have to consider with respect to any Bills brought forward, which are hereafter to be enacted into laws, is whether we can take on ourselves the responsibility of passing the law with these provisions—looking at it as it may, in its consequences, affect the great body of the people of this country. I do not think that any gentleman has a right to escape from that responsibility which belongs to him as a Member of Parliament, by saying "I think it very cruel, and a great hardship, that young persons of thirteen or fourteen years of age should be kept for twelve hours in a factory; but it is a question between their submitting to that labour, or bringing about a change of Government." Neither do I think that Government have a right to make it a question on which their influence as a Government is to be exerted to the utmost, nor that any one has a right to escape from his responsibility by saying, "I shut my eyes to the merits of the question; I will not look into them; but I have great confidence and trust in the Executive, and as they have declared they will not submit to this change, I will not vote for it." I must declare this, because I see that this question is undergoing a great change, from the manner in which it is placed before us. I certainly had understood at first that Government, having done what was properly their duty in this matter, by considering the subject with the best attention they could give it, and its bearings on the interests of those who were to be affected by it, had placed it before the House of Commons as a legislative body, to affirm or deny the propositions contained in that which was hereafter to be an Act of the Legislature. But it appears, according to the statement of the hon. Gentleman who spoke last, that we are hereafter to have an entirely different question to consider, and that Government are disposed to say, "We think it will be so detrimental to our views, so injurious to our interests, if the opinion of the House is against ours, that all our influence is to be exerted in the question; and therefore we call on our supporters, and not as they are convinced by the merits of the question itself, nor as they are prompted by the statements we shall make to them, but as they wish the Government to be maintained, and no change to take place—to vote for twelve hours." I fear that such an opinion, and it is one which seems to prevail on the Benches opposite, will produce a change, and a very detrimental change, even in the constitution of the country. I do not think it will be for the advantage of the country, if a Government is to consider itself bound to carry every Measure in this House exactly in the shape they propose it. I have heard that doctrine stated, especially I believe, by the right hon. Gentleman the Secretary for the Home Department, and the noble Lord the Secretary for the Colonies, when they were sitting on these (the Opposition) Benches. Perhaps then they were disposed to require more than could properly be assented to; I would much rather see them change their views on this subject, and disposed to take counsel of the House. If this House were to come to any vote which really shows any want of confidence in them as an Executive, they might then consider it as a proof that the House could no longer put trust in them. But with respect to these large questions of legislation, affecting the whole body of the people, of whose feelings many Members from the places they represent must be cognizant, I do hope that this House is to retain some of its legislative authority, and that the Members are not merely to vote as puppets, according to their party purposes or opinions.

Sir *R. Peel:* I quite admit the just distinction which the noble Lord has drawn between the functions and responsibility of an individual Member of the House of Commons, and those of a Member of the Executive Government. The noble Lord has justly said the Members of the Executive are responsible to the Sovereign for the advice they give; that they stand in a different relation to the Sovereign from that in which Members of the House of Commons stand; and that it is incumbent on Members of this House, acting in their capacity as legislators, well to weigh the merits of every question, and to consider whether or not they are ready to become responsible for the particular consequences of their legislation. With respect to the last, the noble Lord will admit that the Members of the Executive Government, although they stand in a certain relation towards the Sovereign, have the same privileges as other Members of Parliament, and are bound by the same obligations; and that it is necessary that they, in their legislative capacity, should consider whether they will become responsible for the consequences of any acts of legislation. If they doubt the policy of them, it is their duty and their privilege to consider those acts as Members, and give their advice to Parliament as to how they may affect the public interests. The noble Lord says, and says truly, that with respect to many great measures the sense of the Legislature ought to prevail; that if no great principle be involved, and very dangerous consequences are not expected to result, then Government ought not to declare to Parliament that they stake their existence as a Government on any particular measure, but are bound, on certain occasions, to pay proper deference to the expressed opinions of their supporters. The noble Lord, however, is not always willing to act on these principles, because when we have had to make concessions to the apparent weight of the majority, on matters not involving principle, or any very important consequence, the noble Lord, and some of his friends, have taunted us with yielding our own opinions, and adopting those of a majority. I take, for instance, the Ecclesiastical Courts Bill. [Lord *J. Russell:* The majority was on the other side.] I beg pardon, the opinion of the House on that Bill was very decisively expressed; and we were told, there would be no hope whatever of proceeding into a Committee on the Bill. I quite agree with the noble Lord, it is not on every occasion that this menace is to be held out, and I am not aware, that in the course of the discussions on this measure, any unseemly menace was held out by Government. We have felt it to be our duty to deliberate, not to act hastily; we have felt that measures of great importance should not be carried by very small majorities, when an opportunity might be afforded, by delay, to consider the consequences. We thought the constitutional practice of this House was, to permit opportunities of frequent deliberation on legislative measures. The noble Lord is prepared to say, that one decision or two, carried by a small majority, ought to be conclusive. If that be so, let us at once reduce the number of stages through which a Bill must necessarily pass, which number has been expressly provided in order that when opinions appear much divided, or nearly balanced, opportunity may be given for re-considering the decision. There is nothing inconsistent with constitutional usage, or Parliamentary propriety, in taking the sense of the House again on the very same question which has been involved before. Why have we taken this course? On the first night, Gentlemen on the opposite side, as well as on this side of the House, who came to different conclusions from our own, expressly stated that it was a matter of great doubt. If I recollect right, the noble Lord, the Member for Sunderland, stated, that he had great difficulty in making up his mind: the noble Lord, the Member for London, himself admitted, that it was a matter of the greatest difficulty. We found that, with respect to this Measure, those responsible for its execution, and for the commercial interests of this country, had always contended against a further limitation of labour than twelve hours. When the Bill was introduced by our predecessors, that was the principle laid down. I say not a word against the noble Lord for the change of his opinions; such changes, when produced by subsequent consideration, a public man is not only entitled to, but called upon to avow. I concede, at once, that this change of opinion was the consequence of mature deliberation, and new light thrown upon the subject. But the noble Lord will admit to me, that if I found his Government, when responsible for the consequences, insisting upon the course we are inclined to take, though it entitles me to throw no reflection upon him, it at least offers an element in the decision of the Government, whether they shall give more time to consider. And do I not know how much pain the right hon. Gentleman opposite, the late President of the Board of Trade, and the right hon. Gentleman, the late Chancellor of the Exchequer, men holding situations which gave them peculiar authority to speak upon this subject, must have felt when they were compelled to dissent from the noble Lord opposite—dissenting from him, but adhering to the opinions they had formerly expressed—dissenting, as I do now, reluctantly and with pain, from those with whom I have generally acted. And is not that again a justification of the present Government for entreating the House to pause, and calmly and deliberately to consider the consequence of the present course? It is said, why do you not admit a compromise? It is true there are many cases in which I think a compromise may be the natural solution of a difficulty. In ordinary cases, a Government would be justified in resorting to a compromise. But the policy of admitting a compromise must always depend upon circumstances, and upon the nature of the question. Having deliberately considered this subject for two years, we approached it with the strongest conviction upon our minds, that it was not advisable to propose, or to accede to, a further limitation of the hours of labour, excepting only in one case which we thought grew naturally out of past legislation upon the subject. We found upon the Statute Book an Act which imposed upon the labour of young persons a restriction to twelve hours—we found the existing state of the law to be this—that no person between the age of thirteen and eighteen, should be allowed to work more than twelve hours. The consequence is, that adult women perform the work of young persons; the result of that step in Legislation is, that you encourage the employment of women above the age of eighteen. Now, it might not be wise to interfere if there had not been legislation before; but as you have restricted the time of the labour of young persons to twelve hours, you injuriously affect the position of adult females, by giving an encouragement to the employment of them. Now, all we said was this: we will place adult females upon precisely the same footing upon which the Legislature has placed young persons. If we are wrong, the remedy appears to be, to omit the Clause in the Bill relating to this point. But the lesson to be taught by this is, the danger of further interference. The consequence which interference entails, is the necessity for further interference, for the purpose of redressing the inconveniences arising from the past legislation. The lesson, then, we ought to learn from interference is, rather to avoid than to sanction it. But it is by no means a legitimate argument to say, "You are yourselves interfering with labour, and therefore we will not admit of your new enactment, but require you to carry out your principle here." If you object to our Act, on the ground of it being a new interference, correct it by omitting the Clause; but it is no logical consequence to contend that interference ought therefore to be carried further. Still it might have been possible for the Government to propose a compromise. If we had proposed eleven hours, we should, I have no doubt, have had a majority; but unless we were convinced that that compromise was a wise one—unless we were convinced that that compromise was a practical and permanent adjustment of the question—I must contend that it was our duty, as responsible Ministers of the Crown, not to consent to relieve ourselves from present difficulties at the expense of causing permanent evils. Of this I am sure. No man can more deeply regret when circumstances place me in opposition to the wishes and opinions of Friends who give such constant and regular support to the Government; but there are occasions, as I before remarked, when if a Government does discharge the duty of responsible advisers of the Crown, they must set themselves in opposition to the wishes and feelings of their friends, and by apparent hostility give effect to their conscientious intentions. The way to secure lasting confidence and respect is to act upon principle. Three months hence the country and my hon. Friends themselves will hold us in higher confidence and estimation for being determined, so far as we can, to act upon our principles and not to yield to those of others. But why do we refuse the compromise of eleven hours? First, let me say, that I will not enter upon the merits of the question of eleven hours now. Subsequent deliberation and communications addressed to me from different parts of the country prove to me that the country was taken by surprise; and when we come to the discussion of the question itself, I shall be enabled to show that a further limitation of the time of labour than a limitation to twelve hours would be productive of most injurious consequences to the manufactures and commerce of this country; but, above all, it would be productive of most signal injury to the labourers of this country. I will not, as I have said, now prejudge the question, but I do believe it will be possible to clearly demonstrate this position at the proper time. As regards this question being one of principle or one of degree, the question is this—whether you will impose a further limitation practically to the hours of labour? It is not, in one sense, a question of principle. We are imposing no maximum or minimum of labour; we impose a maximum, but we leave it open to the parties concerned, by agreement among themselves, to work for a period as much less as they may think proper. It has been said, that in many great towns the operatives do practically work for only eleven hours a-day. When you say that, can you better show the merit, practically, of the principle we are adhering to than by showing that by voluntary agreement parties are actually working for a less time, although we propose to protect them from the imposition of a greater. But I will revert to the question—what was the objection to accepting eleven hours as a compromise? If a compromise was to be made, it would have been more satisfactory to the Government and more congenial to their feelings, to have acceded to the wishes of my noble Friend upon this point, than any man in this House. To say nothing of personal feelings of respect, my noble Friend has a right to be looked upon as a leader in this cause. My noble Friend knows very well that the disagreement between us is one of opinion, and that it was solely on account of his conscientious adherence to his own, that he is not now a Member of Her Majesty's Government. That fact only shows that Her Majesty's Government maturely considered this question two years ago, and nothing but the strongest conviction of its propriety and justice could induce them to forego the assistance of my noble Friend. Therefore, if a compromise was to have been made, I would rather have taken the proposal of my noble Friend for ten hours, because I know that eleven hours never could have been satisfactory to my noble Friend and those who think with him on this subject; not, indeed, because they have pledged themselves to ten hours, but because the argument went to show this, that if you adopted ten hours instead of twelve, there would be a possibility of making those domestic arrangements which have been dwelt upon in regard to the comfort of the home of the operative; that there would be a saving of time, and that the means would be afforded of preparing meals at home, which would compensate to the families for the reduction of wages. But that argument does not apply to the reduction of the time to eleven hours; and to have consented to that would, therefore, have been a concession of our own opinions, but without those countervailing advantages which my noble Friend has represented as resulting from the proposal he has submitted. Not, then, from a mere obstinate adhesion to our own opinions has it been that we have not entertained this compromise of eleven hours, but from the conviction that we should thereby weaken our position, and that without gaining those corresponding advantages which we might possibly obtain from consenting to the proposal for ten hours; so that we should not, by consenting to the eleven hours, give to the working-classes that which it has been represented would be regarded by them as a compensation for that reduction in wages which, if there be truth in the figures of arithmetic, or in the first principles of commercial calculation, must inevitably attend a reduction of the time of labouring. These, then, are the general principles for which we must contend. We have not adopted lately nor hastily the opinions we have avowed. I had hoped that the opportunities for deliberation which have occurred would have induced the House to take a different view of the case. However, Her Majesty's Government have felt that there is no alternative but to steadily persevere in their own opinions, and they strongly and confidently hope that, in the result, the calm and deliberate judgment of the House will be found to be with them.

Mr. *C. Wood* wished to say a few words, as the representative of a large manufacturing community, and as he had not had an opportunity of taking any part in the discussions which had already taken place upon the Factories' Bill. Though he could not conceal from himself that the position in which the question now stood, would tend to stimulate the agitation which existed, though it might disappoint the hopes, and alienate from the Legislature the confidence of the people, yet he comforted himself, and estimated these evils far more lightly than others, because he believed that a very small number of the working men themselves really wished for shortening the hours of labour, except under the belief—a belief which had been expressed by the hon. Member for Bridport—that the shortness of time would not reduce the amount of their wages. He wished, on this occasion, simply to state one fact. Representing, as he did, a large manufacturing town, the entire neighbourhood of which was studded with mills, and occupied by a large population which would be affected by this Bill, he had not, up to this hour, from any body or set of men, or from any individual in that neighbourhood, received a representation on the subject, or a request to vote in favour of the short-time Clause. Was it possible that this would have been the case, if there existed, as had been so frequently stated, a universal and general feeling in favour of that Measure. Placed in the difficulty in which the Government had been, he thought that they had adopted a prudent and proper course. Though some mischief might arise from the disappointment of the hopes which had been excited by the vote of the House, yet, he thought if these hopes had been realised, and that the time had been shortened to the extent advocated by the noble Lord, the Member for Dorsetshire, or even if eleven hours, which would not satisfy the country, had been adopted, a more serious blow would have been given to the commercial prosperity of the country, and a more serious injury would have been inflicted upon the prosperity and well-being of the labourers themselves. He thought it right to this extent to express his opinion on this occasion; not that he was presumptuous enough to suppose any weight would attach to his individual opinion, but believing it to be in perfect accordance with the feelings of the large constituency he represented. He hoped this opinion would have some weight, coming from thousands of labourers who would be affected for good or evil by legislation on this subject.

Viscount *Palmerston* was not about to enter upon the general subject, or even state the grounds upon which he had given his hearty support to his noble Friend; but he must say, if the right hon. Baronet imagined the country had been taken by surprise by the votes that had been given, the right hon. Gentleman must suppose that the country was more easily surprised than roused. Seeing that the question had been so frequently and repeatedly discussed, there was no ground upon which the country could feel surprise at the decision which had been arrived at? That Government had been surprised he could believe; but it arose from their not being sufficiently aware of the feelings of Gentlemen on their own side. It was perfectly true, as the right hon. Baronet had said, that if the Government were convinced that the proposal they had made was essential to the interests of the country, they were quite justified in not being satisfied with one or two divisions upon it. But it did appear to be an unusual course that they should not only take the sense of the House repeatedly upon the Bill before them, but that they should withdraw that Bill as they were about to do, and then by another Act to replace the House in the same position as when the Bill was first brought in. He agreed that his noble Friend, Lord Ashley, had no choice but to submit to that course, and he was not prepared to make an objection to that course. He was willing to submit to it with other Gentlemen; but at the same time, it was his intention, if his hon. Friend the Member for Finsbury should press his Amendment to a division, to vote with him; because, although, he was willing, from inability to make a successful resistance, to acquiesce in the course the Government intended to pursue, he yet thought that it would be expedient that the House should, in consenting to the withdrawal of the Bill, state at the same time that they did not do so from any intention of abandoning the decision they had previously come to, so that it might be carried into effect in the progress of the Bill about to be brought in. He regretted that the Government, whatever might be the preference that they entertained for the period of twelve hours labour, should not, after such repeated expressions of the opinion of that House in favour of the period of ten hours, have been prepared to accept the compromise that might have been made of eleven hours. He could not deem the reasons against it which he had heard to be satisfactory, when he remarked that the Government was not standing upon a principle, but simply a question of degree. They themselves, as the right hon. Baronet had admitted, had extended the principle to a class of persons to which it had not before been applied. In reducing the hours of labour of families, therefore, the question whether the whole of that labour should be reduced to eleven instead of twelve hours, was a question of degree, and not of principle; and he thought the Government might have yielded to what appeared to be the sense of a majority of that House.

Mr. *W. Williams* requested the hon. Member for Finsbury to withdraw his Amendment. Although he agreed in the principle, he saw no good to result from a division.

Amendment negatived. Main question agreed to. Order for committing the Bill discharged. Bill withdrawn.

IMPORT DUTIES.] Upon the Motion that the Order of the Day for the House to go into a Committee of Supply be read,

Mr. *Ewart* said, it was with sincere reluctance that he rose to bring forward, on the question of going into a Committee of Supply, the important subject of which he had given notice; he, however, felt justified in doing so, because the matter had not received on a former occasion, that due attention which its importance ought to ensure from Her Majesty's Government. The House had now for some hours been occupied in discussing the hours of employment of the operatives of the country. He now proposed to bring under consideration the means of employment afforded to those operatives. The Motion which he was about to submit to the House embraced three divisions; first, the Import Duties imposed upon raw materials of manufactures; the second division has reference to the Duties upon articles of subsistence; and the last to the Duties on those articles in which the smuggling trade was concerned. In a manufacturing country like this nothing was more important than the supply of what was called "the raw material," in order that the machinery of the mills and factories should be kept employed, and the most important was the supply of the raw materials upon which the cotton and woollen trades of the country depended. The importation of the article of raw cotton was loaded with a duty of 2*s.* 11*d.* per cwt., a duty which was most oppressive to the manufacturers of this country. It had almost now become a trite axiom of political economy that the raw material ought not to be taxed, and that principle had been adopted by the right hon. Baronet opposite in his tariff, but only in reference to some petty articles such as drugs, dyes, and other similar articles, which were only subsidiary or ancillary to manufactories. The real way to have begun would have been to have taken off the duties on the raw materials of the cotton and woollen trade. If the right hon. Baronet had begun with the centre, instead of touching the circumference of trade, he would have effected one of the greatest possible benefits and improvements to the commerce and manufactures of this country. Every day there was an increased demand for manufactures, and every day the oppressiveness of the duty on raw cotton became more severely felt. Again, it was rendered more oppressive in consequence of the competition with foreign nations to which this country was exposed. France had done away with the duty on raw cotton, America had the raw material grown within herself, and the German Commercial Union had no duty whatever upon the raw material of the cotton manufactures. He begged to refer to the statements made by the President of the United States, and by the Secretary of the Treasury, in their late addresses to Congress on this subject. The President, in his message of December, 1843, said, "The German Zollverein will admit our cotton free of duty," and the Secretary of the Treasury stated, "the basis of a commercial convention had just been agreed upon with the Zollverein, which, if sanctioned, admits our cotton free of all duty." Therefore, as this immense confederation of Commercial Germany admitted cotton free, could this country long stand the competition, if she did not adopt a similar course? He felt justified in calling upon the House to follow an example so worthy of imitation. He was satisfied that if the duty were taken off, Liverpool would become the market or emporium of raw cotton for all the world. On a former occasion he had alluded to the Duties on sheep's wool; that duty formed the second section of his present Motion. At present an Import Duty of ½*d.* per lb. was levied on all sheep's wool which was of less value than 1*s.* per lb. and a duty of 1*d.* per lb. on all sheep's wool, the value of which exceeded 1*s.* per lb. Both these duties were, he maintained, extremely oppressive, and the more so because the latter wools, being derived from Germany, had to pay an export duty on leaving the Prussian dominions of ¾*d.* per lb. This afforded an additional reason why the Import Duty on this country should be taken off. With respect to the duty on the cheaper wools, it was every day becoming more and more inconvenient to commerce. Upon this article, like the last, France, America, and Germany, had no duties, and it was most unfair to the manufacturers of the country that they should be placed in competition with them with the impost of those Duties. It had, he believed, been understood as arranged when the export Duties had been taken off British wool, the Import Duties on foreign wool should be taken off too; and good faith, as well as good policy, required that this arrangement should be carried into effect. The next division of the subject of which he wished to treat was the policy of lowering the duties on tea, sugar, and coffee. The altered habits of the people of the country, whether arising from Temperance Societies, or whatever cause, called upon Parliament to adopt some steps which would give them these articles, almost of existence, at a lower rate. The duties of which he complained did not fall heavily on the wealthier classes; but, on the contrary, the poor were the chief sufferers. There was, however, one way in which the whole commercial interest would be great sufferers, and it was this:—the Chinese would not continue long to take our manufactures, if they were, in all time to come, obliged to pay for them in silver or gold. If we did not take their goods more freely in exchange, we could not long continue to preserve a commercial intercourse with them. He felt very strongly the evils of the existing system, and he was the more impelled to raise up his voice against it, seeing the extent to which it interfered with the comforts of the poorer classes; for they were the chief sufferers from the adulteration of tea, sugar, and coffee, and that fact the Chancellor of the Exchequer knew as well as he did. He knew that, in urging these considerations, he was addressing himself to an unwilling House; but, though hon. Members did not attend to those subjects, the people did, and they had a right to call upon their Representatives to alter the laws. The other evening, when addressing the House on this subject, he referred to articles the high duties on which had a tendency to encourage smuggling. He would ask hon. Members, did any man in the country think that the continuance of such duties could be favourable to the morality of the people? He brought these topics before the House actuated by none other than a conscientious feeling that it was his duty so to do; and if hon. Members opposite came down there to while away an hour in private conversation, they might do so if they pleased; he should treat their interruptions with the most entire indifference. He then proceeded to observe, that while England was slumbering, other nations were doing all in their power to reduce their Import Duties. The Report even of the Excise Commissioners showed that, however late, we ought to follow that example. It was well known that when Mr. Pitt was Minister he greatly increased the actual amount of the revenue by diminishing the Import Duties; for increased consumption more than made up the difference. With respect to silks, there could not be a doubt that the Duty on their Import ought to be reduced to 10 or 15 per cent., and if that had been the rate of duty for some time past, the late frauds in the Customs department would never have been committed. Had the duties been low, no temptation to commit fraud would have existed. The hon. Member then went on to notice the conversation which at this time was going forward at the other side of the House, and to say he did not know whether it was intended by that manifestation of indifference to insult a Member who had felt it to be his duty to bring a Motion like the present under the consideration of Parliament. [Lord *Stanley*: "Not in the least."] The manner of the noble Lord was considered by hon. Members near him to indicate a feeling of which it was thought he had a right to complain. [On the Motion of Mr. *Hume* the House was counted, but there being upwards of forty Members present, the hon. Member (Mr. *Ewart*) continued.]—He thought the most politic course would be to adopt a general scheme, not to reduce *seriatim*, not to make alterations one by one, but rather to adopt a comprehensive system whereby the gain on one article would be made to compensate for the loss upon another. In conclusion, he would tell the House that the object of his Motion was to extend employment for the people, to cheapen the articles which they consumed, and to remove the temptations to smuggling. He felt that in making this Motion he was not so much addressing the House as he was addressing the public, through the press; and, though Members opposite might interrupt him, yet he did hope that he should nevertheless be supported in a manner such as the occasion merited. The hon. Member concluded by moving as an Amendment, that—

> "It is indispensable to the maintenance and extension of the trade of this country that those duties be repealed which press on the raw materials of manufacture, especially the raw materials of the woollen and cotton trade. That it is expedient also that those duties be greatly reduced which press on articles of interchange in return for our manufactures; especially such articles of interchange as, at the same time, concern the subsistence of the people; being (besides corn, which is the subject of superior and separate consideration) such articles as tea, sugar, coffee, bacon, butter, and cheese. That it is expedient that those duties also be greatly reduced which, by their amount, encourage smuggling; being at once injurious to the revenue and dangerous to the morality of the country; such as the duties on tobacco, silk goods, and foreign spirits. That whatever temporary deficiency of revenue be caused by such reduction, ought, until the revenue regain its former amount, to be sustained by the property, and not by the trade and labour of the country."

Mr. *Hume* who seconded the Motion, complained that his hon. Friend, when he brought forward a Motion calculated to relieve that distress, was met with nothing but interruptions, and Members did not think it worth their while to attend in sufficient numbers to make what is called a House. Such was now the distressed and demoralized condition of the people, that the Legislature found it necessary to take charge of the children of the poor; for the English people had sunk into a condition so savage that they could not be intrusted with the care of their own offspring. Such were the effects produced by bad Legislation, and by the practical working of monopolies, class interests combined with other causes to extract nothing but evil from the proceedings of the House of Commons. It was most lamentable that the Government would not be prevailed upon to look into the origin of the present distress. What his hon. Friend had said of the prevalence of discontent, was perfectly true; but he need not resort to the authority of his hon. Friend, the Magistrates could bear witness to it, and the reeking corn-stacks throughout the country, were evidence of it. He found in a newspaper of that morning the following remarks:—

> "Since the observations of Sir J. Graham and Lord Henniker in the House of Commons on Friday last, relative to the spread of incendiarism in Suffolk, we have received accounts of some very alarming fires in this county (Suffolk). On Saturday night we witnessed an awful conflagration at Capel, which was visible from Ipswich; and in the previous evening a fire occurred at Hitcham. A fact which we have just learned in connexion with the last-mentioned fire, goes some way to explain the cause of these lamentable events, and fully sustains the views so well laid before the Grand Jury by the Chairman of the Quarter Sessions, in the Shire-hall, in this town, a few days ago. At this moment no less than forty labourers are without employment in the parish of Hitcham, where work is difficult to be obtained, and numbers are unable to procure it: wages generally tend downward; so that we find two powerful causes of discontent in operation among our rural population,—low wages and want of employment. It is idle to conceal the fact too, that these are greatly augmented by the severity of the Poor Law, which indeed is built on the theory that the labourers should be forced to obtain work, which work, it is improperly assumed, can be obtained by every honest and able-bodied man."

It was true that that law was constructed on the idea that every labourer should provide himself with work, yet Legislation prevented him getting work, or getting food. Nevertheless his hon. Friend on that the second occasion on which he had brought forward the subject of diminishing the burthens which pressed upon industry, was not listened to by the House of Commons. The House had heard many tales of distress: were they aware how much of that distress arose from causes which his hon. Friend, by his propositions sought to remove? He must say, he felt it was disgraceful to a reformed House of Commons not to listen to the practical suggestions of his hon. Friend. In a few minutes the House would go into a Committee of Supply, where they would be called on to vote away hundreds of thousands of pounds, and on these occasions there were seldom present more than forty or fifty Members of that House, which ought to be the guardian of the public purse. That was discreditable to the House of Commons. He was sorry to say, that the electors did not seem to him to have the wisdom or the knowledge to prevent this kind of legislation. He must repeat, that in the present state of the country, he thought it was not creditable to the House not to have listened to his hon. Friend. The House of Commons, he fully believed, had the power of removing the evils with which the country was afflicted—the misery, the fires, and the destitution which was going on owing to a course of bad Legislation.

The *Chancellor of the Exchequer* said, that the hon. Gentleman who seconded the motion, had indulged in an attack upon the House of Commons generally, rather than addressed himself to the subject before them. To that charge he as a Member of the House, felt that he was not justly subject, and he should not reply to it further than to say that if the hon. Gentleman who made this Motion had been interrupted in the course of his proceedings on this question, those interruptions had taken place rather from the opinion entertained by the House, and especially by those hon. Gentlemen who sat on the same side of it with the hon. Gentleman, that the mode the hon. Member had adopted with respect to the question, was rather calculated to bring forward his individual opinion than to secure the concurrence of a majority of the House. The hon. Member for Montrose (Mr. Hume) must recollect, that, if the hon. Gentleman had been interrupted, the interruption on two several occasions had proceeded from hon. Gentlemen on the hon. Member's own side of the House; for, on the former occasion the hon. Member for Cheltenham, and on this, the hon. Gentleman himself, had moved that the House be counted, so little did the hon. Member think it for the advantage of the hon. Gentleman (Mr. Ewart's) views that he should proceed in addressing the House. Now, he (the Chancellor of the Exchequer) had great confidence in the judgment of the hon. Member for Montrose on such occasions; the hon. Member had had much experience. He thought that the hon. Member's judgment with respect to the Motion, was to be gathered far more from his Motion for putting a stop to the speech of his hon. Friend than from the philippic which he had since pronounced on the House, and with which he had occupied his speech, not being able to say any thing in favour of the Motion. He must repeat, that he thought the hon. Gentleman must have made this Motion rather with a view of expounding his own principles with respect to taxation than with any expectation of obtaining the concurrence of the House to his propositions, or producing any practical result; for, of course, no man on the one side of the House or the other, whether a Member of the Government or the Opposition, could doubt the general principles laid down by the hon. Gentleman — that all taxes were evils in themselves; that taxes on raw materials were disadvantageous to manufactures; that it was not desirable to tax raw materials; and that it was not desirable to impose taxes to a greater amount than could be readily collected. These principles every hon. Member would be prepared to admit; but there were nevertheless grave and serious objections to placing upon the Journals a proposition of this kind. What was the hon. Gentleman's first proposition? "That it is indispensable to the maintenance and extension of the trade of this country that those duties be repealed which press upon the raw materials of manufacture, especially the raw materials of the woollen and cotton trade." This was the general proposition of the hon. Gentleman; but had the hon. Gentleman, he wished to ask, considered how far the principle he there laid down tallied with the papers on the Table respecting the cotton and woollen trade? those papers showed this—that, notwithstanding the duties which related to those trades still subject as they were to that pressure as the hon. Gentleman described it, they were not so much affected by them as to afford any pretence for saying that it was indispensable that such duties should be removed From the returns on the Table, it appeared that in 1842 there were imported 4,200,000 cwt. of cotton wool. In 1843 there were 5,200,000 cwt. imported; making an increase of 1,000,000 cwt. in one year, under the pressure of that duty, which the hon. Gentleman said it was indispensable for the maintenance and extension of the trade should be removed. Again, what was the value of the exports of cotton goods? In 1842 the value of the cotton exports was 21,740,000*l.*; in 1843, it was 23,440,000*l.*; being an increase of 1,700,000*l.* in the year. Therefore the records on the Table showed that as regarded the cotton trade at the present moment the taxes levied on the raw material, so far from impeding importation or shackling the extension of the trade, had not even checked the increase of it. With respect to the woollen trade, the imports at present were 4,000,000lb. weight of wool, and the value of the exported manufactured articles amounted to 1,600,000*l.* How then could the House with these facts before them, say that it was "indispensable to the maintenance and extension of these trades," that the duties on the raw materials should be repealed. To affirm such a proposition would involve the House in an absurdity which he did not think the hon. Gentleman contemplated, and which had infinitely better be avoided. But it would be an additional objection to affirming these propositions that they committed the House to an expression of opinions which would go forth to the country, and which the country would expect the House to act upon. The hon. Gentleman he thought, scarcely knew how far his plan went; his propositions would affect an amount of revenue very little short of 30,000,000*l.* sterling. Under these circumstances to affirm these propositions, would be neither more nor less than to throw the interests mentioned into the greatest confusion; they would be at a loss to know how to act; and the House and the country would lose all the advantages at present arising from a belief that public credit was in a flourishing condition. When he (the Chancellor of the Exchequer) said he did not mean to say one word at present on those taxes to which the hon. Gentleman referred, the House he hoped, would take notice that he also wished to state that the time would come when the Government would state what they thought it to be their duty to do on the subject, and if he were then to go into the question of which of these taxes ought to be repealed and which maintained, he should not be doing his duty to the country; but the hon. Gentleman, after having effected this large reduction of revenue by the changes he proposed, wished to make up the deficiency by a Property-tax. The hon. Gentleman, if he mistook not, had voted in opposition to the proposal of a Property Tax by his right hon. Friend (Sir R. Peel); but he was now become a convert, and like all converts, not content with effecting his views with all convenient speed, he proposed to repeal no less than 30,000,000*l.* of taxes. [Mr. *Ewart*: No; only to affect.] At any rate the hon. Gentleman's propositions would affect 30,000,000*l.* sterling of taxes, and the hon. Gentleman proposed to make up the deficiency, whatever it was, by a Property Tax. Now he thought he was consulting the feelings of both sides of the House in not going further into the subject. He was not opposed to any beneficial expression of general principles; but his objections to the hon. Gentleman's propositions were that it would be useless to send forth for the people to meditate upon these propositions, which, however good in themselves, must be impracticable, and tend to throw into confusion the trade of the country without answering any of those good ends, which he believed the hon. Gentleman sincerely aimed at. He therefore should support the original Motion.

Dr. *Bowring* said, that the right hon. Gentleman had confessed there was something not quite defensible in those duties on raw materials, and he thought, therefore, that something was obtained for that (the Oppostion) side of the House. His hon. Friend and many hon. Members near him thought that, on a question of this importance it was not becoming that so few Members should be present, and the hon. Member for Montrose (Mr. Hume) had moved the counting of the House, not in order to get rid of the Motion, as the hon. Gentleman had assumed, but to show the country how little the subject was being attended to at the moment he called upon the Speaker to count the House. He thought that this ought to be known to the country: it was a case of very frequent occurrence; and he thought it would be found from the divisions on such subjects that the great majority who voted had not heard the debates. If, instead of interfering between the Master and the Labourer, the House would show the same anxiety to remove the restrictions and duties which pressed upon industry, he thought they would do a much greater service to the popular interests. He knew of no grievance more intolerable than this of the duties which pressed upon labour. The Chancellor of the Exchequer said that 30,000,000*l.* of taxes would be affected by the Motion of his hon. Friend. Was it not distressing to think that these taxes were levied on the working classes, a very small proportion being in fact borne by the opulent, the bulk falling on those who worked from the rising to the setting of the sun to enable them to maintain their families? He thought that his hon. Friend, and any hon. Member who reiterated the necessity of altering our fiscal legislation deserved well of the House and the country. His hon. Friend wished to reduce those duties which encouraged smuggling. The fact was, the Government in their controversy with the smuggler, were again and again defeated. He did their work better for the people. But not only under the existing rules of taxation were the Government defeated, but an enormous mass of depravity and misery was created. For his part, he thought his hon. Friend had established every point he had brought forward; his arguments were irresistible. The Chancellor of the Exchequer had admitted they were irresistible; and he must say, that considering the importance of the subject, and the moderate way in which his hon. Friend advocated his views, he thought it discreditable that he got so mall and unwilling an audience.

Mr. *F. T. Baring* had voted a good many years ago for a Motion of his late noble Friend (Lord Sydenham) to a somewhat similar effect as this Motion of the hon. Gentleman. The hon. Gentleman, however, could hardly expect that the Chancellor of the Exchequer would vote with him as the Motion now stood. In his (Mr. Baring's) opinion, the Motion did not go far enough. The hon. Gentleman had not taken the comprehensive view of the subject which had been taken by Lord Sydenham. If they were prepared, and thought it advisable under the present state of their finances, to change their system of taxation altogether, let them do so, and take off those taxes which pressed most on the productive industry of the country. They ought to look at other subjects besides those contained in the Resolution moved by the hon. Member. Look at their Excise Duties—duties which pressed heavily on the productive industry of the country. There was the Soap Tax, which was a tax on cleanliness and on the comforts of the people; there was the tax on paper, which used to be called a tax on the raw material of knowledge; there was the tax on glass, and other taxes connected with the Excise, which, if it were possible for them to take a general review of their taxation, ought not to be omitted from consideration. There was the tax on windows, and the tax on insurance,—as it used to be called, a tax upon prudence—all these taxes ought to be taken off if they were prepared to make a great alteration in their system of taxation. They ought not, lik His hon. Friend, to confine themselves to some one branch of taxation. It had been stated that the taxes mentioned were taxes which fell on the poor. If his hon. Friend could find any tax which did not ultimately fall on the poor he should be very glad to know what it was. It was a remark of Mr. Cobbett's, that "if they wanted to get millions they must tax the millions." Let them lay on what tax they pleased, it must fall on the poor, if any man could find a tax which did not so fall on the poor, in his opinion he would have found the philosopher's stone in taxation. He had never read or heard of, or been able to put his finger on, any tax which would not affect the poor. When the hon. Member came forward to propose reductions in certain duties, and to impose others in their stead, he ought to state the loss that would be occasioned by the change, and the sum that would have to be raised to counterbalance that loss. The proposed reductions involved a question of about 30,000,000*l.* but his hon. Friend did not state to the House what loss his Resolutions might involve. Take the loss at half this amount. His hon. Friend calculated that the Government would be able to get rid of the coast-guard by these reductions; still, however, the duty on tobacco, if reduced to 1*s.*, would be a duty of 250 per cent. on the cost of he article; and could they suppose that, with this duty imposed, they could do without their Coast-guard? His hon. Friend's proposal would induce the necessity of imposing taxes to the amount of 16 or 17 per cent. on property; and did any hon. Member suppose that, capital would remain in this country and be taxed at the rate of 17 per cent? He was sorry, for these reasons, tha the could not vote for the Resolutions.

Mr. *Williams* said, the right hon. the Chancellor of the Exchequer had hardly thought it necessary to make any observations on the Motion, and had stated that his hon. Friend merely thought it necessary to bring it forward to exemplify his own opinion. Nothing but the greatest necessity could justify the imposition for one day of import duties oncotton and wool. The right hon. Gentleman had brought forward his statistics to show that there had been an increase in the trade in these articles. Happily for the right hon. Gentleman and for the country, a change for the better had taken place in the trade in these articles; otherwise what would have been the condition of the Exchequer and the state of the country? What had produced that change they perfectly well knew, namely, the excitement ever produced in commercial affairs by a vast increase in the paper circulation of the country. The right hon. Gentleman shook his head, but if he referred to the amount of the paper circulation of the Bank of England, he would find there had recently been an increase of 50 per cent. For the last eighteen months there had been little more in circulation than 22,000,000*l.*; but the last return which he had seen exceeded 33,000,000*l.* The increase in the importation of cotton advanced in precisely the same proportion as the increase in the circulation. When the question had been introduced last year by the hon. Member for Halifax, the right hon. Gentleman the Chancellor of the Exchequer had stated that the duties on cotton and wool ought not to be maintained except on the ground of absolute necessity. The finances of the country were placed now in a condition to afford the reduction of these taxes, and they ought not to be continued one day. If the right hon. Gentleman calculated on the continuance of the present activity in commerce he would be disappointed. The warehousing system, rendered necessary by the imposition of these duties, entailed a cost of 25 per cent. more than the ordinary warehouseing, which, on the article of cotton, amounted to more than the amount of the duty itself. The duty on raw cotton was 7½ to 8 per cent. The dread of foreign competition, held forth in every form, had induced many votes to be given against the reduction of the hours of labour of factory children; and yet they continued the impolitic course of taxing the raw material imported for the purpose of manufacture—a course not pursued by any other country in the world. If they took off this tax they might safely entertain the proposition of the noble Lord the Member for Dorsetshire for reducing the hours of labour in factories. The produce of the tax on raw cotton for the four years from 1839 to 1843, inclusive, was 541,000*l.*, on sheep's wool, 124,000*l.*, making a total of 665,000*l.* together. As a financial question, therefore, the right hon. Gentleman the Chancellor of the Exchequer had no ground for refusing to entertain the proposition of the hon. Member for Dumfries. If great reductions were made in these duties the revenue would not suffer. Next to these taxes on the raw material for manufacture, his hon. Friend pointed out the tax upon tea. How did that tax operate on the great body of the people? The tea consumed by the Gentlemen sitting on the Treasury bench did not pay one-fourth so much tax as the tea consumed by the poor. Did they call that justice? The tax on tea sold at 11*d.* a pound was 2*s.* 2*d.*; on tea sold at 4*s.* and 5*s.* a pound the same duty was imposed. Was this justice? The next article pointed out was sugar. Just the same tax was paid upon the finest refined sugar that was paid upon the coarsest brown sugar. The next article was coffee; and on this article the same duty was paid on the coarsest as on the best, making a difference in favour of the richer classes of 100 to 150 per cent. The next article was tobacco. Hon. Members taxed their own cigars 125 per cent., and the poor man's tobacco 800 per cent. He hoped that some pressure out of doors would force the Government to do what was right.

Mr. *P. Howard* had always said, that they must make up their minds between the continuance of this tax and the maintenance of the Property Tax. If the hours of labour in factories were restricted it would be still more necessary to secure an unrestricted importation of the raw material. He trusted that the Government would take the repeal of this tax into consideration. He could not, upon the whole, however, say that in the present state of the House his hon. Friend would exercise a sound discretion in dividing upon his amendment, because he thought that at that moment the House would present no criterion of public opinion. At the same time, he thanked his hon. Friend for bringing forward this Motion, and he trusted that the right hon. Gentleman the Chancellor of the Exchequer would, as soon as the finances of the country would permit, repeal this tax.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 88; Noes 24: Majority 64.

List of the AYES.

Allix, John Peter
Arkwright, G.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Clerk, Sir G.
Clive, Viscount
Copeland, Mr. Ald.
Corry, right hon. H.
Cripps, W.

Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Duffield, T.
Egerton, W. T.
Eliot, Lord
Escott, B.
Fitzmaurice, hon. W.
Flower, Sir J.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Goulburn,righthon.H.
Graham, rt. hon. Sir J.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Hardinge, rt.hn. Sir H.
Heathcote, Sir W.
Heneage,G.H.Walker
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W.G.H.
Kemble, H.
Knatchbull,rt.hn.SirE.
Law, hon. C. E.
Lawson, A.
Lincoln, Earl of
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
McNeil, D.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Martin, C. W.
Masterman, J.
Meynell, Capt.
Munday, E. M.
Nicholl, rt. hn. J.
Norreys, Lord
O'Ferrall, R. M.
Paget, Col.
Packington, J. S.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Rendlesham, Lord
Round, J.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Trench, Sir F. W.
Wellesley, Lord C.
Wood, Col. T.
Yorke, hon. E. T.
Young, J.

TELLERS.
Freemantle, Sir T.
Baring, H.

List of the NOES.

Bowring, Dr.
Bright, J.
Brotherton, J.
Duncan, G.
Fielden, J.
Forster, M.
Gibson, T. M.
Hutt, W.
Johnston, A.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Napier, Sir C.
O'Connell, M. J.
Plumridge, Capt.
Scholefield, J.
Strickland, Sir G.
Tancred, H. W.
Trelawny, J. S.
Walker, R.
Warburton, H.
Ward, H. G.
Williams, W.
Yorke, H. R.

TELLERS.
Ewart, W.
Hume, J.

Main question agreed to.

SUPPLY—THE BRITISH MUSEUM.] House in Committee of Supply.

On the question that 37,987*l.* be granted for the British Museum,

Mr. *Bernal* called the attention of the right hon. Baronet to the case of Mr. José, who was intrusted with the management of the engraving and print department of the Museum, and had a salary of only 350*l.* per annum, and no apartment in the building.

Sir *R. Peel* was well aware of the merits and qualifications of Mr. José, but recommended the House to leave the appropriation of the salaries to the Trustees of the Museum who fully understood the matter and were responsible for their proceedings.

Mr. *Hume* objected to the constitution of the Board of Trustees, and wished to know to whom they were responsible? He objected to the exclusion of the public from the different collections. He observed among the Votes, "salaries of officers of the ordinary establishment, 5,900*l.*; salaries of assistants, 3,500*l.*; and salaries and wages of attendants and servants, 5,400*l.*" He thought the Committee should have a detailed list of the salaries of individuals. He recommended that the British Museum should be thrown open to the public on Sunday, in order that the many tradespeople and others who could not visit it during the week might be able to avail themselves of the instruction which it afforded. He complained that facilities were not afforded to the thousands who visited the Museum, and deprecated the practice of requiring persons to sign their names in a book on entering, as causing unnecessary delay. Children were not excluded from Hampton Court or the National Gallery, and he saw no necessity for excluding them from the Museum. He did not think the Trustees would adopt these regulations if they were responsible to the public.

Sir *R. Peel* questioned whether the hon. Member's complaints were well-founded or reasonable. The Trustees were not responsible for the Estimates, but the Treasury was, and instituted the closest inquiry into each particular item, and into the merits of the several officers connected with the Museum. The Government did not wish to encumber the House with information, but to give it that which was really useful; if, however, the hon. Member desired to have more information respecting every officer in the Institution, he was most welcome to it. He gave the hon. Member credit for thinking that no public money was better expended than that which was voted for this Institution; but he would ask him, was there an Institution in Great Britain so accessible? [Mr. *Hume:* You may make it more so.] Make it more so, if you like, but that was at least a *primâ facie* case in its favour; and the Returns of the number of visitors confirmed it. The number who visited the Museum in the year ending Christmas, 1840, was 247,000; and in 1843, 517,000. He really wished to give the public every possible opportunity of acquiring information: but there must be a limit as regarded age, for if children of too tender an age were admitted, incapable of deriving instruction themselves, they would greatly impede others in endeavouring to obtain it. There was a time when infant schools were admitted, and when 300 young children were at once ushered into the King's Library, but he could assure the hon. Member that the necessities which they relieved were not the necessities of acquiring knowledge. Respecting additional facilities and conveniences which the hon. Member recommended, he had only to observe that this subject had not escaped the attention of the Trustees, but of course the details could not be discussed in that House.

Mr. *Protheroe* hoped the right hon. Baronet still bore in mind an observation which he made in a former year, that he looked forward to the time when a noble palace of art would be erected in one of the parks of the metropolis. He did not agree with his hon. Friend respecting the admission of very young children to the Museum, for in Hampton Court, where they were admitted, they rather detracted from the pleasure of others, without benefiting themselves.

Mr. *Bernal* expressed his regret at the total want of anything like a national museum in this country. It was, perhaps, the only country that had not a museum of the history and arts of the Middle Ages. The British Museum abounded in Egyptian mummies and South Sea Island curiosities, but everything appertaining to the early history of Europe and England was wanting.

Sir *R. Peel* had to state with the greatest pleasure that only last week the Treasury had authorized the expenditure of 2,000*l.*; one-half in the purchase of the zoological collection of the Antarctic voyage, and the other in completing a botanical collection, after communicating with a gentleman whose unobtrusive merits were not sufficiently known—he meant Mr. Brown, who was the companion of Sir Joseph Banks, and whose exertions entitled him to the highest commendation.

Mr. *Hume* insisted on the necessity of additional public conveniences at the Museum. He also thought that the admission of young persons might be permitted under the care of their parents. He had heard no good reason assigned why the Museum should not be opened after morning service on Sundays. The right hon. Baronet (Sir R. Peel), himself, he believe visited the Museum on Sunday, and why should not the public as well?

Mr. *Borthwick* thought the hon. Member for Montrose somewhat unreasonable in complaining of the answers which he had received from the right hon. Baronet at the head of the Government to the questions put in the former part of his speech. He thought those answers had been abundantly explicit and satisfactory. With reference to the latter observations of the hon. Member, those, namely, which referred to the opening of the British Museum on Sundays, he wished to observe that he agreed in principle with the hon. Gentleman, though he doubted whether the feelings of the people themselves were in unison with his upon the subject. If the public mind was not ripe for this change, however desirable in itself, more evil than good might possibly result from its adoption. There were buildings which ought to be open for the reception of the people, both on Sundays and on other days, which it was most painful to find shut against them, or open only upon payment of money. He referred to the cathedrals and other churches of the metropolis. St. Paul's Cathedral and Westminster Abbey were on Sundays even less accessible than on week days—for, with the exception of of the short hours of public worship, they could not on Sundays be entered even by payment of money. This ought to be reformed altogether. He believed if the Church had the control of its own affairs, these abuses would cease to exist. The hon. Member for Weymouth had very judiciously recommended the preservation of the monuments of the Middle Ages. Since modern habits and innovations had shut the cathedrals against the people, they had become the receptacles of monuments of no age at all. You might see sprawling over and defacing their graceful and splendid proportions, figures which might be worshipped without any breach of the commandment; for they were like nothing "that is in heaven above, or in the earth beneath, or in the waters under the earth." And indeed, if hon.

Members were to read, as he had done, the legends appended to those things they would find, that the persons in whose memory they had been erected must have been as great monsters of virtue as these figures were of art. Those indecencies should not be allowed to desecrate walls so holy, and he hoped the day was approaching when those noble buildings would be appropriated to their right use.

Vote agreed to.

Supply—Army Commissariat.] Sir *G. Clerk* in proposing the vote for Commissariat Services observed, that there was a considerable apparent increase in the sum required this year; but it arose from a large sum that formerly appeared in the Army and Ordnance Estimates being transferred for the first time to this department. The Commissariat Department always supplied rations, forage, fuel, and light to the troops on foreign stations, and the funds for that purpose were partly voted under the Army, Ordnance, and Commissariat Estimates. But this led to great complication of accounts, and it was considered much better that the department having the charge of providing those articles should also have the funds voted under a general head. In consequence of this there would appear a vote in the present estimate of 270,000*l.* on account of rations, forage, and fuel, but there was an actual saving in the whole Estimate of 8,000*l.* Another item which now had been introduced into the Estimate was that of the profit upon bills, which heretofore had been otherwise accounted for. He moved a vote of 436,000*l.* for the Commissariat.

Mr. *Hume* saw that the accounts had been much simplified and improved by bringing into operation the principle which should be applied also to the general accounts of the country, not allowing each department to deduct from its receipts its own expences before remitting into the Exchequer, but bringing all the national resources primarily into one general receipt. He desired very much to have statements of the contract prices at which the different articles of provisions had been supplied, so that the prices paid in different parts of the country might be seen.

Dr. *Bowring* strongly urged the practical adoption of the principle respecting accounts recommended by a Committee of that House, with the concurrent sanction of the right hon. Members for Portsmouth and Dorchester—the principle of the Exchequer receiving, in the first place, the entire of our taxation, and allowing payments only on the authority of Parliament and the Executive.

Vote agreed to.

House resumed. Committee to sit again.

The New Factories Bill.] Sir *J. Graham* in rising to move for leave to bring in the New Factories Bill said,—The House will remember that in the earlier part of the evening the Bill which I had the honour of introducing at a former period of the Session was, by permission of the House, withdrawn; and I understand that the feeling was pretty general in the House that leave should be given to introduce another Bill. Something, however, which fell from the hon. Member for Finsbury led me to suppose there would be some opposition, but I trust that I shall be allowed to introduce it unopposed on the present occasion. At the same time, it is right that I should state to the House the precise nature of the Bill which I now ask for leave to bring in. The Bill which was withdrawn was a Bill repealing all former Acts with regard to employment in factories. The Bill which I now ask leave to introduce does not repeal any other former laws but introduces certain Amendments into the existing law. Speaking generally, the Amendments I seek to introduce are Amendments recommended by the Committee which sat in 1840. In fact only one Amendment which I ask to introduce is not included in that recommendation. First, with respect to the Amendments recommended by the Committee. I seek by the Bill which I now ask leave to introduce to provide that children shall not work in any factory employed in the manufacture of silk, flax, woollen, and cotton, longer than six hours and a half, between the age of eight and eleven in silk, and eight and thirteen in flax, woollen and cotton, and that they shall in no case work both in the forenoon and afternoon of the same day. I propose also to introduce another provision. In some factories the labour is not extended beyond ten hours each day. Where that is the case, for the convenience of manufacturers, I would propose (although it is not included in the recommendations of the Committee) that children may work for ten hours in a day, provided they work on alternate days only. I propose also to introduce an important alteration in the existing law, with respect to certificates. As the law now stands, the surgeon can only grant his certificate on the appearance of the child as to his age. I propose to extend that power, and to give the surgeon the power of certifying whether the health and strength of the child are sufficient to justify his recommendation that he may be employed even for the limited number of hours; and I also propose to allow evidence to be adduced as to the actual age of the child. I propose also, in conformity with the recommendation of the Committee, that such machinery as shall be specified in the Bill as being of a dangerous character shall be guarded for the purpose of preventing accidents; that it shall be "boxed off," as it is termed, and surrounded with guards for the protection of the persons employed. I also propose to enact, for the first time, that all accidents, without reference to age, in each factory, shall be recorded as they occur, and reported to the inspector; and I further propose to give to the Secretary of State the power, on the report of the inspector, of ordering prosecutions to be instituted, and actions to be brought against the owner of the factory for damages for accidents that may occur by reason of a neglect to "box off," or guard the machinery, pursuant to the other provisions of the Bill. I further propose, with respect to the damages that may be recovered in such actions, that it shall be competent to the Executive Government to pay over such damages to the parties who may have received the injury, or, if they should be infants, then to their natural guardians. I also propose, for the first time, and not in conformity with the recommendations of the Committee, as I stated in answer to the question put to me by my noble Friend the Member for Dorsetshire, to provide that females shall not be permitted to work in factories for a longer time than is by law allowed to young persons, that is to say, for the limited time of twelve hours. I think, Sir, I have now gone through the principal alterations in the law which I propose to make by the Bill I ask leave to introduce; and having stated succinctly, but fully, all the alterations I propose, I now ask leave to introduce the Bill.

Mr. *T. Duncombe*: The right hon. Baronet might have saved the House the trouble of his statement, if he had said that his new Bill was precisely the same as the one withdrawn, save and except the Repealing of all former Acts. The former Bill did Repeal all former Acts. This new Bill left them the same. Therefore, he repeated, the right hon. Gentleman might have made a statement which might have been much shorter and equally satisfactory to the House. How far this new Bill would be satisfactory to the public in general he must leave to time to prove. Whether it would be satisfactory to that House time also must prove. It was quite clear that those who had opposed the right hon. Baronet one night supported him the next. But the people of England must no longer be deluded. The advantage which had been gained on a former evening had been wholly lost. There was an end of all the gain as to the limitation of the hours of work for females, and there was to be another twelve hours Bill. Three times had that House told the men of England that their wives and young children should not be worked more than ten hours a day; that to work beyond that time was a state of slavery which they ought not to submit to. The right hon. Baronet by his Bill was about to perpetuate that slavery. That being the case, he did hope the people of England would no longer be deluded. They must trust now entirely to themselves—that was clear. Three times had the House decided in their favour, and yet the Ministers had reversed the decision. The question now lay with the people to agitate. It must be left to *The Times* Newspaper and to the energies of the people to carry that which he did believe was the object of the greater portion of the labouring classes at the present moment. In due time they would have other sham movements; but no man in that House could ever expect that the noble Lord the Member for Dorsetshire would be able to collect again the force he had once got together. The right hon. Baronet would carry his Bill. The ten hours principle was gone. The eleven hours was gone. And now the poor females would have to work the twelve hours. He wished the right hon. Baronet joy of the triumph he had achieved; but at the same time he did most cordially condole with those unfortunate persons who would have hereafter to toil, in order that the right hon. Gentleman might be retained in office.

Mr. *Borthwick* protested against its being said that hon. Gentlemen were now supported by those who opposed them before. The Government were compelled to take the course they had done. The opponents of the Government measure had been denounced in another place as "hypocrites," by an individual who was certainly illustrious for his talent, but who was the Jack Cade of all Jack Cades. In 1837, when the West India apprenticeship system was brought forward by that noble Lord and carried, what was his course with regard to the widows and orphans who possessed property in their fellow men? His motto then was, "*Fiat justitia, ruat cœlum*:" but now that noble Lord would guard the accumulation of manufacturing wealth against the dangerous inroads of women and children. He hoped the House would take care that they did not commit themselves by affirming propositions which they were not prepared to carry out in detail through all the provisions of the new Bill.

Mr. *Hume* thought the Government had pursued a proper course in withdrawing the Bill which had lately been the subject of discussion; but, at the same time, he thought they were acting improperly in introducing the Measure which had just been laid upon the Table. The right hon. Baronet (Sir J. Graham) was, he conceived, violating all former precedent in proposing such an interference with labour. The right hon. Gentleman was attempting, now, to interfere with adult labour; and he (Mr. Hume) considered the step so dangerous, that he sincerely hoped this Bill would not be allowed to pass into a law. He agreed with the hon. Member for Finsbury (Mr. T. Duncombe) that persons who were obliged to labour for so long a time as these factory operatives were literally slaves; but were there no other slaves in this country but factory slaves? Did not the same system of excessive labour exist throughout all classes of the community? He would advise the right hon. Baronet to direct his attention to the causes of the present distress. He believed that those who were most anxious to carry a ten hours Bill had been led away, in a great degree, by misrepresentation; and he conceived it was the duty of the Government, after the information they had received to-day, to inquire whether the representations which led to this attempted encroachment on the liberty of labour were or were not correct. He believed also that if the right hon. Baronet would appoint a Committee to hear evidence, and go into details, he would be convinced of the impropriety of the course he had taken, and would at once withdraw this Bill. They ought to look to the root of the evil, and remove the impediments to labour.

Mr. *B. Hawes* said, it was his intention to support the proposal of the noble Lord (Lord Ashley.) The former Factories Bill proceeded from a Government who were generally in favour of relieving trade from the many restrictions which now pressed upon it. He believed that in 1833 the right hon. Baronet (Sir J. Graham) was a colleague in the Ministry with the late Lord Sydenham, who was anxious to relieve the trade of the country from its present restrictions. He inferred, therefore, that at that time the right hon. Baronet himself was a friend to free-trade. At that time a Factory Bill, restricting the hours of labour in the case of young persons, was adopted; and he had no objection to such a measure, proceeding as it did from a Government favourable to the relief and extension of trade. But the case was widely different now, and the Government were introducing a new principle—that of restricting adult labour. It was well known that nearly one-half the operatives in the factory districts were females; the Government were, therefore, proposing a restriction which would operate upon half the adult labour. The consequences of our present restrictive system were most injurious to this country; our foreign trade was placed in jeopardy; and capitalists, in order to realize the profits adequate, had recourse to the excessive toil of factory labour. He contended, then, that while they maintained a restrictive system which induced such excessive labour, they ought in justice to impose some limit upon that toil. Upon this ground, then, and also on the authority of the Reports of the Factory Inspectors, which stated that under existing circumstances the hours of labour might be safely reduced, it was his intention to support the Amendment of the noble Member for Dorsetshire. He might refer the House especially to the Reports of Mr. Horner, and of Mr. Saunders. One of those gentlemen stated that he thought eleven hours was a period of labour which might safely be fixed upon; and the other observed that there was great danger in forming a population, the whole of whose time was occupied between work and their natural rest, and who were consequently in a state of extreme ignorance. If that House was determined to uphold restrictions upon trade he would endeavour to surround the labourer with greater protection. When those restrictions were removed, the operatives might be safely left to go into the labour-market unfettered, for he believed that they would then, without any excessive amount of labour, be able to obtain an ample supply of the necessaries of life. When, therefore, the noble Lord again moved his Amendment, he would give it his support.

Sir *C. Napier* hoped that, after Easter, they would find all hon. Gentlemen who had before taken part on this question against the Bill as sturdy as the hon. Member for Evesham, and that while they supported the ten hours Amendment, they would give their unqualified opposition to the twelve hours Bill. The right hon. Baronet (Sir J. Graham), in the course of his very persuasive speech to-night, turned round to an hon. Gentleman near him, and said he was satisfied that, three months hence, they would have a better opinion of him (Sir J. Graham) for having maintained his position than they would have entertained had he given way on this question. He thought they need not take three months to consider that. He would give them till the Easter holydays were over. He feared, however, that some hon Gentlemen would go down home, and read over all the speeches that had been made on this subject—the right hon. Baronet's as well as others, and then they would return to town with a fixed determination to prevent the present Government from going out of office. The right hon. Baronet only had to say to his Friends, "Gentlemen, if I lose this Bill I shall not remain in office; take your choice of me or the hon. Gentlemen opposite," this would be effectual in bringing round all the right hon. Gentleman's wavering Friends.

Leave given.

Bill brought in and read a first time.

County Courts.] Sir *James Graham* rose to ask for leave to bring in "A Bill for the more easy Recovery of Small Demands in the County Courts of England." The House was well aware, that among the most ancient Courts in the Realm, were the County Courts. There had been, however, one great defect in the constitution of that Court. By a Writ of *Justicies*, there was no limit placed to the extent to which a personal action could be brought. If a case was to be removed from that County Court to Westminster Hall, by a Writ of *Justicies*, it was provided that the party should give security for the costs. There was another defect. These County Courts retained all the old cumbrous machinery unchanged, whereas in the Superior Courts, the machinery had been remodelled, in conformity with the recommendations of the Committees of 1839, which were incorporated in all the local Acts establishing such Courts, which had passed since 1839. From the inquiry which he had made respecting the expense of working these new Courts, he thought that their general adoption would be followed by the most beneficial results. The Bill which he proposed to bring in, would enable Her Majesty in Council, to form districts throughout the country, and to bring this Act for the establishment of County Courts into operation in certain localities in which the establishment of such tribunals appeared to be required. The Bill would not interfere with any of those improved systems of jurisdiction which had been brought into operation since 1839. The Barristers and Judges appointed would be paid by salaries, and the Clerks also paid by salaries instead of fees, and were not to have compensation. He now came to the extent of the jurisdiction. By the Bill of 1837, the Court of Requests was limited to 10*l.* His proposition was, that these County Courts' jurisdiction should extend to the sum of 15*l.* As to the subject-matter of jurisdiction, it would refer to simple cases of contract debt—damages for a breach of the peace—for unlawful holding of property rendering the party liable to an action of trover. With regard to actions for the recovery of small debts, the summons must be issued seven days prior to the trial coming on. If the defendant should go out of the district the plaintiff would have the option of suing in the County Courts, or in one of the superior Courts of Law. The party, if he required it, might have the benefit of a Jury. The Grand Jury need not consist of a larger number than five persons. The Court would have the power of making an order for the payment of the debt by instalments. The party would have the power of taking out an execution against the body or goods of the person against whom a debt was proved. With regard to the power of removing the case to a superior Court, the party would have the power of doing so upon moving for a new trial, and giving proper securities for the costs. The jurisdiction with reference to the rights of ejectment, would be transferred from the two Magistrates to the Judge of the Court. This Bill introduced no new experiment. The Courts of Request had been found to work beneficially. It was Courts similar to those which it was proposed to extend. He felt confident, if the House gave its consent to the Bill which he was then proposing, it would effect a great improvement, and render cheap the administration of the law. It was his purpose to introduce this measure for the recovery of small debts gradually, according to the wants and demands of certain localities, without incurring any great increase of expense.

Mr. *Hawes* hoped the large fees to which persons proceeded against for small debts had been subjected would be reduced. He hoped that those local Acts, which granted so many days to liquidate a debt would be taken into consideration, as he was quite sure it would not only effect a saving in the county-rates, but also put an end to the enormous misery so frequently suffered by families being broken up in consequence of the imprisonment of the head.

Mr. *Shaw* said, the right hon. Baronet, (Sir J. Graham) would obtain a good guide in legislating on the subject, by a reference to the practice of the Civil Bill Courts in Ireland. Of those Courts he had never heard a complaint, and he believed they worked well and satisfactorily in every part of that country.

Mr. *Warburton* hoped his right hon. Friend would persist in retaining the power of examining both parties in the suit. This was done in the Court of Bankruptcy, which dealt with property to any amount, and he did not see why it should not be permitted in the inferior Courts.

Mr. *Cripps* observed, that he did not think that practically any great danger was to be apprehended if there was no appeal at all. At the same time, it was a dangerous principle to say there should be no appeal. With regard to the examination of the parties themselves, according to the Law of Evidence Bill, parties were prevented being examined in great causes, and, therefore, it would be inconsistent to permit their examination in small suits.

Sir *J. Graham* remarked, that there were 120 Local Courts created by Act of Parliament in England; 40 of those 120 had been created since the year 1839, and with respect to those 40, the general limit of the debt to be recovered in them was 15*l.*; and he had taken this limitation which had been established in 1839, in the most important localities, comprising large and important cities, and towns, and containing dense populations. He must also further observe, that since 1839, and in conformity with the recommendation of the Select Committee to which reference had already been made, power was given to examine the parties to a suit in forty important local Acts, exactly as he proposed to examine them in suits of debt. From the adoption of that principle, in the instances he had stated, no bad effects had ensued. He proposed to give execution generally against the person. If to have credit was advantageous to the poor (of which he was not quite convinced,) he was very much afraid that unless there was a remedy against the person, credit would be stopped.

Leave given.

Bill brought in and read a first time.

House Adjourned at half-past twelve o'clock.

HOUSE OF LORDS,

Monday, April 1, 1844.

MINUTES.] BILLS. *Public.*—1ª· Registration of Protestant Places of Worship.

Reported.— Dean Forest Encroachment; International Copyright.

3ª· and passed:—Mutiny; Marine Mutiny; Indemnity; Ecclesiastical Courts.

Private.—1ª· Marquess of Ailsa's Estate; Midland Railways Consolidation.

2ª· Bolton and Preston Railway.

Reported.—Edinburgh Cattle Market; Rochdale Gas.

3ª· and passed: — Bury (Huntingdonshire) Inclosure: Ramsey Inclosure; Cababe's Naturalization.

PETITIONS PRESENTED. By Lord Redesdale, from Netherwitton, and from Norfolk and Whitburn, against the Repeal of the Corn Laws.—By the Bishop of Hereford, from Clun, and 8 other places, and by the Bishop of Bangor, from Clocainog, against the Union of the Sees of St. Asaph and Bangor.—By the Earl of Malmesbury, from Wellington, New Zealand, for Protection to Settlers of Cook's Straits.—From Chichester, for the Suppression of Duelling.—From Debtors in Monmouth and Wilton Gaols, in favour of the Creditors and Debtors Bill.

NEW ZEALAND.] The Earl of *Malmesbury* presented a petition from 700 inhabitants of the town of Wellington and the neighbourhood of Cook's Straits, New Zealand, calling the attention of their Lordships to the unprotected state of that colony, and praying that some measures might be adopted for their safety. The petitioners also prayed for a settlement of the disputed land claims. He should state to their Lordships, that the question appeared to be mooted in consequence of the massacre which took place in the colony on the 17th of June, 1843, arising out of those disputed claims; and as very great apprehension existed amongst the colonists, as well as amongst their friends in this country upon the subject, he wished to ask Her Majesty's Government what steps they had already taken, or intended to take, in restoring the confidence of the settlers, by adding to the military force for the protection of the colony, and also what steps were in contemplation for the settlement of the land titles?

The Earl of *Ripon* replied, that the commanding officers of the military forces in New South Wales and Van Diemen's Land had been directed to forward a force from those two colonies respectively to New Zealand, for the purposes to which the petitioners alluded; and that the force so sent was deemed sufficient for the protection of the colonists by the commanding officer in New Zealand itself. The apprehensions of the settlers, it might easily be conceived, went beyond the actual necessity of the case; but, under any circumstances, the arrangements which had been made would afford them the security they sought. At the same time, he must be allowed to remark, that it was impossible for the Government not to feel that the practice of removing troops in detachments from one colony to another, was liable to considerable inconvenience. Looking at the vast extent of our colonial possessions, there would be great inconvenience in the attempt to meet every case of this kind, unless a much greater military force was employed: and with regard to the detachment which had been sent to New Zealand, he could not say how long it might be possible to maintain it there. There were, however, means by which the colonists might provide for their own safety. The government of the colony was authorised to levy a militia, or a constabulary force, constructed upon the principles of the constabulary force in Ireland, for the protection of the colonists; and, seeing that there were 10,000 inhabitants in the colony, he should say there would be but little difficulty in providing, in the way he had stated, for their mutual protection. With regard to the other question which his noble Friend had put in reference to the titles of land, all he could say was, that Captain Fitzroy had been sent with instructions from the Secretary of State, for the purpose of bringing those matters to a satisfactory termination. No blame whatever attached to the Government upon this subject.

The Earl of *Malmesbury* said, he had been informed by persons well acquainted with the colony that a very small force would be sufficient; but what the colonists particularly wished was that a small armed steamer should be stationed at Cook's Straits, as the most effectual means of protection. He was the last man who would impute blame to Her Majesty's Government on the subject, and the settlers themselves, in their petition, were very far from blaming the Government; on the contrary, they stated that the dispatches of Lord Stanley had given them every hope of a speedy prosperity, but they felt compelled to add, that the local authorities did not act up to the spirit or the letter of that noble Lord's instructions and dispatches. He (the Earl of Malmesbury) would not on that occasion trouble their Lordships with the particulars of the complaints of the colonists against the local authorities; but they asserted generally that very great blame rested with the executive of the colony, but not with the Government here.

SUPPLEMENTAL TREATY WITH CHINA.] The Earl of *Aberdeen:* My Lords, I beg to lay upon your Lordships' Table, by command of Her Majesty, a copy of a Supplemental Treaty made between Her Majesty and the Emperor of China. This Treaty contains the regulations of trade between England and that country. By it the northern ports of China are now open to British commerce; and, I am happy to say, with every prospect of complete success. It affords me, my Lords, much satisfaction to add, that general goodwill on the part of the population of that nation exists, and the best feeling on the part of Her Majesty's subjects. I trust that the precautions taken will prevent that good feeling from being diminished. I cannot allude to this subject without directing your Lordships' attention to the ability of the very distinguished man, Sir Henry Pottinger, by whom those negotiations have been effected, surrounded as he was by complicated difficulties — your Lordships cannot be aware how great they were—in a country so entirely new; but the great experience which he had previously gained elsewhere, enabled him, in spite of the complicated difficulties, which is not a little matter —to accomplish what he did. By the energy of his character, and the resources of his own mind, he surmounted them all.

I will add, that in a country where suspicion and distrust are proverbial, he has contrived to instil a degree of confidence among the people that may be deemed almost insurmountable. My Lords, I do not hesitate to state, that we are mainly indebted to Sir Henry Pottinger for the happy result of the proceedings in China; but I am sure your Lordships will deeply regret that the state of his health requires his immediate return to this country. We are endeavouring to fill his place; and your Lordships may rest assured, that Her Majesty's Ministers are actuated by an earnest desire to forward his views with as little delay as possible.

The Marquess of *Lansdowne* concurred cordially in the eulogy which had been passed by the noble Earl upon Sir Henry Pottinger. Every person who had served in the expedition against China, every person who had made himself acquainted with the proceedings which had recently taken place in that part of the world, would be aware of the distinguished and valuable services of that man, whose life had been spent in his country's service. Coming home, as he did, to the regret of Her Majesty's Government and of the country generally, on account of bad health, it might be satisfactory in some degree to know, that he carried out with him, when he was appointed, a full knowledge of the great risk he incurred—he being at the time subject to a disorder, brought on in the course of previous services, which he knew would be aggravated by the climate to which he was proceeding. It must, however, be peculiarly gratifying to Sir H. Pottinger, and satisfactory to every person in the kingdom, to hear the services of that officer acknowledged in the handsome manner in which the noble Earl had that night acknowledged them, in laying upon their Lordships' Table the Treaties which those services had so much contributed to effect.

COMMERCIAL RELATIONS WITH TURKEY.] Lord *Beaumont* rose, in pursuance of the notice he had given, to draw the attention of their Lordships to the state of our Commercial Relations with the Sublime Porte, and stated that he should endeavour briefly, and he hoped clearly, to point out the great disadvantage which British merchants, trading with the Levant, laboured under through the manner in which the Convention of 1838 had been carried out. In stating this, he begged to observe that he had no reason to complain of the supineness of Government in this case; for, from the very first moment the attention of the noble Earl (the Earl of Aberdeen) had been drawn to the subject, he had (he was aware) sought information from those quarters which could best afford it to him in that country, and the result of that information had convinced him that some steps must be taken to place our commerce with that portion of the world on a satisfactory footing, and that some negotiations must take place with a great northern power, to induce them to allow British merchants to be placed on the same footing with Russian merchants. It was not his wish to cast the slightest reflection on the conduct of the government of the Sublime Porte in this matter. He believed there was no ground for complaining of want of faith on the part of Turkey, that country having done its best to carry out, not only the letter, but the spirit and meaning of the Convention of 1838, but it had been thwarted in those good intentions by the influence which always prevailed most powerfully with the Porte—the influence of Russia, which had ever been hostile to British interests in Turkey. It would be necessary to state briefly the position in which the duties and customs of Turkey, in regard to its trade with foreign countries, had stood previous to the Convention to which he had alluded, and having done that, he would proceed to explain the nature and object of the Convention itself, also the character of the Treaty which had since been negociated between Russia and the Porte, and the manner in which the two Conventions—that between the Porte and England on the one hand, and between the Porte and Russia on the other—operated to the detriment of British interests, and the great gain of Russian merchants. Previous to the Convention of 1838, all goods imported into or exported from Turkey, were subject to various duties in their internal transit through the country, every different district having its different and separate duties, the levying of which, often in the most arbitrary and harassing manner, had been found to impede commerce in a considerable degree, and to interfere with the business of the merchants. And although in some provinces, as in the middle of Asia Minor, those duties were not more than 2 or 3 per cent., in others they were upwards of 9 per cent. on exports, and more than 2 per cent.

upon imports. In addition to those internal duties, seacoast and frontier duties were also imposed upon all imports and exports, the duty on exports being greater than the duty on imports. To remedy this state of things, which was injurious both to the British merchant and the Turks themselves, negotiations were set on foot between England and Turkey, the result of which was the Convention of 1838, a Convention admirably conceived for effecting the object in view and conferring enormous benefit on Turkey; and, if fairly carried out, giving that advantage to British merchants which, even under all the existing disadvantages, they would be loth to forego, viz., the advantage of simplifying their transactions with the customhouses of the Ottoman empire. That Convention was framed upon these bases; that all imports and all exports, on arriving at the frontier or at the port, should pay an *ad valorem* duty of 3 per cent.; and that all imports should pay a duty of two per cent. *ad valorem*, in lieu of all those harassing duties to which they had been previously subjected in the interior, thus making the total duty on imports 5 per cent. *ad valorem*, freeing them in regard to their future transactions from all other imposts. With regard to exports this was the plan—that they should pay 3 per cent. at the port, and a commutation of 9 per cent., in lieu of the internal duties, making a total export duty of 12 per cent. The advantage of this arrangement must be obvious; and they had upon their Lordships' Table evidence of the great benefits which had followed the Convention. The Ottoman merchants, and the people of Turkey generally, were alive to those advantages, and commerce had increased under the operation of the Convention. Their Lordships had the evidence of the British Consul, at the Dardanelles, who stated on the authority of merchants and others with whom he had communicated, how beneficially the Convention had worked so far as Turkey was concerned. Unfortunately, however, Russia, shortly after, was desirous of renewing her commercial Treaty with the Porte. She renewed her Treaty, and in doing so she established an *ad valorem* duty, and to prevent disputes between the two powers in carrying out that Treaty, a tariff of value was framed of the different goods in which the two countries traded, and a fixed price was put upon them. With regard to that tariff, he might observe in passing, that the prices were a trifle lower than those which had been put upon the goods in the tariff between England and Turkey; but that difference, as appeared from Mr. Cartwright's letter was not great. While under that tariff a duty of 3 per cent. was imposed by Turkey both upon imports and exports, as between Russia and the Porte, and in any case in which any dispute as to value should arise, that 3 per cent. was to be taken in kind, not one word was stated in the Treaty of the 9 per cent. on exports, and the 2 per cent. on imports, commutation duties which were imposed in the English Convention in lieu of the internal duties; and in the greater part of Turkey not 1*s*. of those internal duties did Russia pay. In the preamble to the Russian tariff, signed Sept. 27, 1842, it was stated that "Russian merchants must pay, as import duty and as export duty on merchandise imported into and exported from Turkey, 3 per cent. To prevent disputes in valuing the goods, the contracting powers have made a tariff to stand as a fixed rule. If disputes should arise about the value of any goods, 3 per cent. on such goods shall be paid." Consequently, the Russian merchants possessed an advantage over the English merchants in their trade with Turkey of 9 per cent. on all exports and 2 per cent. on all imports, to the evident destruction of the British trade. And even in those cases where the Pacha of any district resisted the attempt to avoid the internal duties, it was the custom of the Russian merchants to pass their goods through as English merchants, claiming the benefit of the English Convention, until they arrived at the port or frontier, where they became Russian merchants again, and so escaped the internal duty altogether. As showing the extent to which this system prejudiced the British merchant he would refer to the evidence on the table:—Colonel Barnett, the Consul at Alexandria, states that

> "The disadvantages under which British commerce labours, in consequence of Russian subjects being able to import and export on payment of only 3 per cent. cannot be disputed, and British goods have been imported in British vessels consigned fraudulently to a Russian subject to escape the 2 per cent. composition duty. Many Greeks will take advantage of the facility of obtaining Russian protection to elude payment of the extra duties, to the great detriment of our commerce."

Colonel Rose, writing from Beyrout, says, "The Convention of 1838, acted upon by the Russian tariff, has caused such injury to the interests of the British merchants that they practise evasions in order to free themselves from the payment of the excess of duty which they have to pay beyond that paid by the Russian merchants. One British merchant pays so much per cent. to a person who is a Russian merchant to trade as a Russian merchant. Russian merchants, all persons trading under Russian protection, do not pay duties equivalent to the commutation duties of 2 and 9 per cent. paid by British merchants under the Convention of 1838. The Russian seller can, therefore, drive the British seller out of the market. Mr. Chapeaud says, 'I, as a British merchant, lost at least 30,000 piastres this year, owing to the difference between the duties payable by us to those which Russian merchants pay.'"

Col. Wood, the Consul at Damascus, stated—

"As no extra internal duty is levied on Turkish produce beyond what is levied in the first instance on the grower, which is equally paid indirectly both by the British and Russian merchants, notwithstanding that the payment of the commutation duty of 9 per cent. is obligatory on the former, and is not so on the latter—and as the Russian merchants in carrying on their trade in Turkey are not subject to the payment of the commutation duty of 2 per cent. to which the British merchants are liable—the degree of injury to the British import and export trade in competition with the Russian trade may be easily calculated—namely, the difference between the Russian tariff of 3 per cent. import and export duties, and the British tariff and commutation duties of 5 and 12 per cent. The advantages therefore to the Russian merchants are a saving of 2 per cent. on imported and of 9 per cent. on exported goods, which by destroying competition, prejudices to a great extent the British import and export trade, or at least throws it into the hands of the Russian merchants, or of the natives under Russian protection."

Vice-Consul Neale added:—

"It is a notorious fact that imports to this country from Great Britain and other countries, when they consist of valuable commodities, are, whenever it can be effected, received under the name of a Russian merchant, or others under the protection of Russia, and trading under the Russian tariff."

Mr. Cartwright, who had obtained the evidence of British merchants in Constantinople, stated that our trade with Turkey, in consequence of the advantages given to Russia, was suffering more injury than it had experienced even before the Convention of 1838. Such a system could not but be productive of great loss of trade to this country, and the question he (Lord Beaumont) was anxious to put to the noble Earl opposite was, whether any negotiations had been set on foot to remove the inequality to which British merchants were subjected in their dealings with Turkey as compared with Russian merchants? and, if so, on what bases those negotiations were intended to be carried on? for he should be sorry to think that all the advantages of the Convention of 1838 would be lost to us, and that we should be placed as we were before that period, merely on the footing of the most favoured nations, restoring all the monopolies and the complicated system of imports which formerly existed. He wished to know whether it was the intention of the Government to demand that the spirit of the Convention should be maintained, that was so far as the fixed duty on all imports and exports was concerned, and the principle of the tariff, by which all disputes of value were removed, and whether the noble Earl would endeavour to induce all foreign Powers, having commercial regulations with Turkey, to adopt the same principles, and thus establish for Turkey, that which would be of immense advantage to her, viz., a system of import and export duties to be levied at the port or the frontier, abolishing the internal imposts?

The *Earl of Aberdeen* said, the noble Lord had given a most correct description of the inconvenience and disadvantage under which British commerce laboured in the Levant under the operation of the commercial treaty of 1838; but when the noble Lord asked whether negotiations were on foot to remedy those inconveniences, he must recollect that those negotiations did not depend upon this country and Turkey only, but upon the will of other Powers which had not acceded to the treaty in question. France had accepted the treaty as now concluded on the part of Great Britain. Austria had provisionally acceded to it; but Russia, when it was concluded, had not thought proper to accede to it. Previous to the date of that treaty, all nations alike paid in Turkey three per cent. duty on both exports and imports; a sum so moderate, that the Porte, to indemnify itself, found it necessary to have recourse to various internal duties, by which commerce was impeded and injured. No doubt the treaty of 1838 was a great improvement, both for Turkish and foreign commerce: but it was perfectly free to Russia, as far as she was concerned, to accede or not to accede to a treaty concluded by Turkey with other nations. By the first article of the treaty, however, if Russia was placed upon a more advantageous footing than this country, this country was entitled to be placed in the same condition. But the noble Lord would, if he referred to the reports of the consuls, find that not one of them — disadvantageous as our situation appeared to be — not one of them was anxious that we should be placed on the same footing with Russia. The matter was one really not for negotiation between this country and Russia. It was rather for the Porte to negociate with Russia, with a view to completing with that Power a similar treaty to that which it had completed with us. Perhaps he (the Earl of Aberdeen) would be most satisfactorily answering the questions of the noble Lord, and meeting all his expectations upon this subject, if he stated the simple fact that, within a recent period, instructions had been sent to the Russian Ministers at Constantinople to enter into negotiations for a treaty with the Sublime Porte, founded upon the same basis as that which had been concluded with Great Britain; and he had reason to hope before any long time had elapsed it would be acceded to. He could assure the noble Lord that Government had not been idle in this matter, but had used such efforts, and in such quarters, as they thought were most likely to be of effect. The noble Lord had correctly described the inconveniences and disadvantages to which British merchants in the Levant were subject under the existing state of things; but he hoped that in consequence of this direct communication between the Government of Russia and that of the Porte they would be avoided before very long. If they should not, it would become necessary for this country to exact what it was entitled to under the former treaty, that her subjects be placed upon an equal footing with those of the "most favoured nations."

Lord *Beaumont* said, he was delighted to hear the statement of the noble Lord, and he hoped the British merchants who had intended placing themselves under the protection of the Russian flag, would be induced to abstain from so doing, and to remain under that of their native country.

ECCLESIASTICAL COURTS BILL.] The *Lord Chancellor* having moved the third reading of this Bill,

Lord *Cottenham* said, that he did not rise on the present occasion to renew the discussion on this Measure, but he was anxious to offer a few, and they should be few, words for their Lordships' consideration. He thought he should be excused in thus troubling their Lordships, when he found that he had been charged with taunting the Government for the course they had adopted. He never charged the Government with giving up their opinions to a majority of the other House of Parliament. It was, however, no great merit on the part of the Government in yielding to a majority of the House of Commons. They could not help themselves in such a case. What he complained of was, that they had given up the opinions which they had expressed—they had given up the opinions expressed by the House of Commons—they had not yielded to Parliament, because the House of Commons had supported them; they had not altered their course in consequence of what had taken place within the walls of the House of Commons, but they had abandoned their measure because of what took place out of doors. He would refer to the speech of a right hon. Gentleman in the House of Commons on the second reading of the Government Bill of last year, in which he (Lord Cottenham) entirely concurred. The right hon. Gentleman uttered these opinions:—

> "He could not consent to its withdrawal after all the pains bestowed on it by the Government, because it was his sincere conviction, regretting, as he undoubtedly must, that many private interests would be more or less injured by it, that it would greatly promote the public interest. Such being his firm conviction, and combined with the knowledge that ample compensation would be afforded to all those injuriously affected by it, it was impossible that he should accede to any proposition for the withdrawal of the Measure. It was equally impossible for him to acquiesce in the suggestion of the right hon. Baronet the Member for Devonport, because with all his respect for the Select Committee which the right hon. Baronet might propose to appoint, with all his conviction of the advantage which such a Committee could not fail to derive from being presided over by the right hon. Baronet, he felt assured that the details of the Measure had been arranged with the advice and concurrence of higher authorities than would be found in any Select Committee which could be appointed. The right hon. Gentleman could not deny that all the details, without exception, were admitted by the Admiralty Commission. He had also the author-

ity of a Measure almost identical with the present one, introduced in 1835, when the right hon. Baronet, now at the head of the Government, was in power. On the part of Earl Grey's Government, he (Sir J. Graham), after the Report of the Admiralty Court Committee, prepared a Measure identical with the present. Earl Grey quitted office, and Lord Melbourne succeeded, and Lord Campbell and Lord Cottenham undertook the same subject, and after bestowing infinite trouble and labour upon it, did not materially alter the measure which he (Sir James Graham) had framed. He had the opinions of three Chancellors in its favour; of the Ecclesiastical Commission, the opinions of Attorneys General, men of the highest legal authority on both sides of the House, and the Report of a Committee of the House of Lords. He, therefore, could make no concessions with regard to the principle. The details had been framed after the most minute investigation, and with the advice of the highest authorities; and with all deference to the House, he could hold out no hope—if this Bill should be rejected—that he should be able to offer any other which would be more acceptable with regard to its details. It was a question of principle which the House were now called on to decide, and should it be their pleasure to reject it on the second reading, he should deeply deplore such a result, nor could he help believing that for reasons which it would be indecorous in him to state—from the effects of private interests powerfully operating on the minds of individual Members the public would be deprived of a Measure which, it was his firm belief, would materially promote their interests."

Lord *Campbell* expressed a wish that his noble and learned Friend had mentioned what the majority in favour of the Bill was, on being read a second time, because there was a considerable majority —a majority of nearly two to one, he believed.

Lord *Cottenham*: For the second reading, the Ayes were 186, and the Noes 104.

Lord *Campbell* said, that still, although they had a majority of nearly two to one upon the last occasion when this Bill came to a division, they had since themselves abandoned it. There could be no doubt that if they had supported it with determination, they would have succeeded in passing it through both Houses of Parliament. The Bill might have given offence in some quarters, where parties' interests were affected by it, but that was no reason why they should have abandoned the interests of the public. He could not help remarking, though he did not wish to enter upon that subject at present, how different the conduct of Her Majesty's Government had been in respect to this Bill to what it had been recently in regard to another measure, with which they had persevered, although the House of Commons had three times divided against it.

The *Lord Chancellor* said, that it was not fair to say, that Her Majesty's Government had abandoned the Measure of last year upon this subject. The present Bill departed from the Measure of last Session only in one particular, that of the abolition of the Diocesan Courts. This the present Bill did not propose to do. The Government had adopted this course upon the conviction that although the principle of their Measure was generally agreed to, they should never be able to carry the abolition of those Courts. They, therefore, sent the Bill to a Committee, who had returned it in the very shape in which it was now before their Lordships. It was impossible to run entirely counter to the opinions of the House of Commons; but the Government, instead of "abandoning" the Measure, brought in one in its present form. The preceding Government had brought in Measures similar to that of last Session, and had failed; nor were the difficulties of modern origin. Sir W. Scott had stated, in the discussion on the Measure he had proposed upon the subject, that so long ago as the reign of James I. complaints had been made of the Ecclesiastical Courts' jurisdiction, and complaints which it had been unsuccessfully endeavoured to remedy in the reign of that King, in the reign of Anne, and, again, in the reign of George III. (1772). The present and the preceding Government had alike failed in Measures abolishing the Diocesan Courts. But the present Government unlike the former, endeavoured now to carry a Measure which was substantially that proposed by Sir W. Scott who (in 1813) said, in his statement of what his Measure purported to effect:—"He began with reforming part of the law as to excommunication;"—which the Government had not thought it necessary to advert to, as Bills upon the subject had in recent years been passed. "Next there was a provision for the abolition of a number of the minor Ecclesiastical Courts, on the principle that improvements in jurisprudence were promoted by the extension of jurisdiction;" that was just what the Government had done in their present Measure, they having therein abolished all the "Peculiars," which were the Courts alluded to by the learned Personage whose authority he was alluding to. "And it is intended to remove the proceedings in those inferior tribunals into the Diocesan Courts," so that Sir W. Scott recommended the continuation of the Diocesan Courts, and the removal into their jurisdiction of the business of the "Peculiars;" precisely what in the present Bill it was proposed to effect. "The qualifications of the Judges were also to be attended to" (and the rest of Sir W. Scott's Measure was occupied by provisions respecting Tithes and Church Rates). Now, the qualifications of the Judges in the continued Courts had been fixed at the rate which was deemed requisite; and Tithes also had not been overlooked; though, probably, nobody would consider that they had acted unwisely in not mixing up in the Measure the important, the difficult, and delicate question of Church Rates. Sir W. Scott had proceeded to explain that he had not extended his Bill to Ireland on account of his not feeling himself sufficiently acquainted with the Ecclesiastical Law of that country; and that eminent individual thus concluded his address upon the proposition of his measure: "Under many circumstances of disadvantage, he had discharged the duty the House had imposed upon him with great diffidence, well aware of the magnitude and importance of the subject. If the House should adopt his Bill, he should feel gratified; but if they should reject it, he should part from it without much regret." Sir S. Romilly said, "he regretted that a Measure which promised to be so generally advantageous should not be communicated to Ireland." Under all the circumstances, and with such authorities, had not the Government pursued a proper course? Was it not advisable to attempt to carry a Measure which every one admitted was advantageous, rather than run the risk of losing it by adding a provision disagreeable to the other House? On these grounds he recommended the Measure to their Lordships as one which, while it did not go the whole length some might wish, would yet effect highly useful and advantageous alterations in the law.

Lord *Cottenham* begged to be allowed to observe, that the Bill of 1836 was not proceeded with for this reason, that the most Rev. Prelate at the head of the Church said it would be inconvenient to pass it before some Measure had been adopted for regulating the discipline of the Clergy. That was the only reason why the Bill was then abandoned. Indeed, he believed, that setting aside this one difficulty, he had the support of the majority of the Rev. Bench for the principle of his Bill.

The Lord *Chancellor*: But there have been several Bills of this kind abandoned within the last eight years. In 1832, the Bill brought in by the then Lord Chancellor; in 1833, another Bill by the same noble and learned Lord; in 1835, a Bill brought in by the then Attorney General: and in the same year, another Bill by the noble and learned Lord now sitting near me. Then came his noble and learned Friend the Lord Chancellor, in 1836, who brought in a Bill which also failed.

Lord *Denman* could not help regarding it as a most melancholy and mortifying circumstance, that a Court whose abolition had been recommended for fourteen years —a Court which was a public nuisance, whose operation was most oppressive towards individuals, which had been condemned by all authorities of every description entitled to respect, should baffle the attempts of a Government which had come in with so much power to effect its removal. He would not enumerate cases of individual hardship, but there were some which would make their Lordships shudder. He observed a statement made in the debate which took place in the House of Commons on this subject, that the petitions were not numerous against these Courts, but were on the contrary numerous against their abolition. That would always be the case in grievances of this nature, where the sufferers were not sufficiently numerous to make an impression on the public, while at the same time the combination of interested individuals possessing power and influence in the country by means of private communication with Members of Parliament and the Government was often effectual in accomplishing their object. No doubt if the Bill should pass in its present imperfect state it would leave a most important question on the mind, whether by permitting the existence of these Courts, they did not, in fact, give their sanction, and thus add strength to the combination of interested persons in resisting any future attempts at reform. For the sake of the benefit which it did unquestionably confer, however, it was well that it should pass; raising though it did the important question, whether it would not, by continuing in existence, appear to extend a Parliamentary sanction and approval to the preservation of these Courts, and might not add strength to the combination of those interested in their opposition to the abolition of those Courts on future occasions? He heard, indeed, with pleasure, that the principle of that abolition had not been abandoned by the Government, who had yet thought it right, at present, to attempt only what they were certain of carrying. But his experience of late years had not led him to deem it disadvantageous for the ultimate success of any measure, that one of less extent, but tending to the same result and founded on the same principle, should previously be carried; and he hoped that this would be exemplified in the present instance.

The Bishop of *London* said, that he felt compelled to say a very few words in consequence of what had fallen from the noble and learned Lord who had just sat down. Having been one of the Commission which had sat on this subject, he must beg to say that he was not aware of any opinion which had been expressed by them at all, to the effect that the Diocesan Courts were a public nuisance. It certainly was stated in the report of the Commission that these Courts were founded during a totally different state of society, and were not adapted to the present state of society, and recommended that their jurisdiction should be transferred to a superior Court. But, as he said before, he never heard these Courts called a public nuisance in any document or report of which he was aware. With respect to the cases of hardship which were found in these Courts, he was aware that there had been some. But were there not also cases of hardship occurring continually in the Courts of Common Law, and in the Courts of Equity? The real fact was, that the hardship of many cases which had occurred in the Ecclesiastical Courts, arose from the restricted nature of their power. They could only go a certain length; they could sentence and commit to prison for contumacy, but had no authority to release. But he hoped that cases of this kind would not occur again; because the peculiar matters upon which they usually arose were taken by this Bill out of the jurisdiction of the Diocesan Courts.

Lord *Denman* would willingly submit to the rebuke of the right Rev. Prelate if he had used expressions too harsh; but he certainly had always been accustomed to consider these Courts as nuisances; and he had never heard in any other Courts of cases of such extreme hardship as he had known of in these. He owned he heard the right Rev. Prelate's concluding observations with apprehension, intimating, as he was afraid they did, a disposition rather to continue than to abolish the Diocesan Courts. He thought, really, that the appointment of a Committee to inquire into the character of the opposition to the Measure for their abolition might not be wholly inexpedient.

Lord *Campbell* denied that the Church Courts would by this Bill be deprived of all power to inflict punishment. A man might still be libelled in those Courts for Church Rates, and put to an expense of 100*l*. He also protested against the assertion of his noble and learned Friend on the Woolsack, as to the identity of the present Bill with that introduced last year, from which, he contended, it differed both in detail and in principle. The principle of that Bill was the establishment of one Court for the whole of England and Wales, with regard to all contentious jurisdiction with respect to wills and marriages. This Bill, on the contrary, not only preserved all the Diocesan Courts, but established two new ones, and those who hoped for their speedy abolition would find themselves miserably disappointed since this new creation. His noble and learned Friend had referred to the opinion of Sir S. Romilly, forgetting that it was not between the establishment of a single Court for England and Wales, in matters of contentious jurisdiction, and the Diocesan Courts, that he had to decide, but mere improvement on the old system. Seeing the favourable sentiments manifested in favour of last year's Measure by the right Rev. Prelates and others, what reason was there for supposing that it could not have been carried?

Bill read a third time and passed.

House adjourned.

HOUSE OF COMMONS,

Monday, April 1, 844.

Minutes.] New Members Sworn.—Hon. Edward Alfred John Harris (Christchurch).

BILLS. *Public.*—1°. Lime Toll Exemption (Wales): County Court (County Palatine of Lancaster); Damage by Fire (Metropolis) (No. 2); Charitable Pawn Societies; Court of Chancery (County Palatine of Lancaster).

Private.—1°. Delabole and Rock Railway.

2°. Lascaridi's Naturalization; Spartali's Naturalization; Bow Brickhill Estate.

Reported.—North British Railway; Eastern Counties Railway (Brandon and Peterborough Extension); Northern Coal Mining Company; Glossop Market; Padstow Harbour; Yarmouth and Norwich Railway; Eastern Counties Railway.

3°. and passed:—Midland Railways Consolidation.

PETITIONS PRESENTED. By Mr. Brotherton, from Joseph Hamilton, against Duelling—By Mr. Cayley, from Norfolk, and from a great number of other places, against any alteration in the present Corn Laws.—By Mr. Collett, from Athlone, and from Dublin, against the Poor Laws (Ireland); and from Athlone, in favour of Repeal.—By Sir Robert Inglis, and other hon. Members, from Lewes, and other places, against the Union of St. Asaph and Bangor.—By Viscount Ashley, from Wich, and by Sir R. Inglis, from Lewes, against Parochial Assessment.—By Col. Wood, from Whitechurch, and 2 other places, for the Establishment of Local Courts.—By Mr. Milner Gibson, against the present Post Office Arrangements.—By Mr. W. Thompson, from London, against, and by Mr. Cobden, from Stockport, in favour, of a Reduction of the Duty on Tobacco.—By Mr. Hume, and other hon. Members, from Linlithgow, and other places, against the Prisons (Scotland) Bill.—By Captain Pechell, from William Pringle Green, for Inquiry into his Discoveries affecting the Navy; and from Matthew Philips, for Permitting Allotment.—By Viscount Ashley, from Wich, for Restoring the Powers of Convocation to Clergy.—By Mr. Thomas Duncombe, from Barnsley, and several other places, against the Masters and Servants Bill.—By Mr. Hume, from Kirriemuir, for withholding the Supplies.—By Mr. Mackinnon, from Captain Sleigh, relating to his Invention of a Floating Breakwater.—By Sir E. Knatchbull, from the Ise of Thanet, for Rating the Owners of Small Tenements.—By Mr. Cobden, from Stockport, and Mr. P. H. Howard, from Carlisle, against, and Lord Ashley, from Carlisle, and other places, in favour of the Ten Hours Clause.—By Captain Carnegie, from Stone, and by Mr. Chute, from Wayland Union, for Alteration of Poor Law Amendment Bill.

MAGISTRATES' CLERKS.] Lord *Duncan*, understanding that the noble Lord the Member for Lincolnshire received, on the 14th of March, a positive assurance from the Under-Secretary of State for the Home Department, that a Bill would be shortly brought into the House on the subject of fees to Magistrates' Clerks, said he was anxious to know whether the said Bill was in such a state of preparation that it could be brought in by the right hon. Baronet for the convenience of Members before the Easter recess, or, if not, at what early period of the Session it was likely to be laid on the Table.

Mr. *M. Sutton* stated, that when the noble Lord the Member for Lincolnshire (Lord Worsley) had moved for a Committee upon the subject, he (Mr. M. Sutton) had replied, that it was under the consideration of his right hon. Friend at the head of the Home Department, that a Bill was then in preparation, and that he hoped it would soon be brought forward, but he had not pledged either himself or the Government as to the course to be pursued. With respect to the question asked by his noble Friend, it was not the intention of the Government to introduce any Bill of the sort before Easter. The subject was now under the serious consideration of the Government.

EAST INDIA LABOURERS IN THE WEST INDIES.] Viscount *Sandon* wished to know whether the Government had any objection to state the course which it was likely that they would pursue as regarded the admission of East India Labourers to our West India Colonies.

Lord *Stanley* replied, that the House was in possession of all the information which the Government had received upon the subject. He had written a despatch to his noble Friend the Governor-General of India upon the subject, requesting him to take the matter into consideration, and to report how far the immigration could, in his judgment, be permitted without occasioning evil consequences. He had received from his noble Friend, by the last mail, an answer, acknowledging the receipt of his despatch. The subject was one of great difficulty and delicacy; and although he had no doubt but that the noble Lord immediately bestowed his attention upon it, yet he did not know how soon he might be able to give an opinion which would warrant the Government at home in taking decided steps.

REGISTRATION OF VOTERS—MUNICIPAL CORPORATIONS (IRELAND).] Lord *Eliot*: Mr. Speaker, I rise for the purpose of asking leave to introduce a Bill to Alter and Amend the Laws which Regulate the Registration, Qualification, and Polling of Parliamentary Electors in Ireland. The subject to which I am about to call your attention having been so often discussed in this House, I do not think it will be necessary for me to preface the explanation of this measure which it will be incumbent on me to give by any lengthened exposition of the evils of the existing law. The existence of defects in the present law, such as the difficulty of establishing the right to vote, the unsatisfactory way in which the Franchise is defined, the number of voters that are improperly placed upon the registry, and the fraudulent personation of voters, are acknowledged by all who have taken an interest in this question to furnish grounds for special legislation. Various proposals have been made to apply a remedy to these evils. These have given rise to discussions rather of an acrimonious character. It is, however, my wish that this subject should be discussed in reference to its own merits, and with a view solely of applying a satisfactory remedy to the serious evils with which the present state of the Registration in Ireland is marked. I trust I shall not then refer to any topic connected with the subject in a tone that will be calculated to revive any such angry feeling. When the Bill relating to the franchise in England was under discussion in this House, various proposals were made to extend the system of registration to Ireland. These proposals, however, were resisted on the ground that it would be inexpedient then to introduce a new system of registration into Ireland. Lord Althorp at that time, and my noble Friend (Lord Stanley) who was then a colleague of Lord Althorp's, said that if time and experience should show that the system of registration which they had then proposed for England proved efficient, it would be right and necessary to extend its operation to Ireland. I think it cannot be doubted that the present system of Registration in England does give great and general satisfaction, and those defects which experience had pointed out in the course of its operation during the last ten years, have been altogether removed in the last Session of Parliament. Her Majesty's Ministers consider that the present system of Registration in England has been found adequate to its purpose; and that it would be advisable to apply its provisions *mutatis mutandis* to Ireland. There are certain modifications which it is my duty, however, to point out, not of a very important character. It is proposed to give to the Lord Lieutenant in Council the power of dividing each county into different baronies, each barony to have several polling districts, and in such polling places a revising barrister, to hold annually a revision and a registration court. It is proposed to reserve to the assistant barrister appointed to preside in the Court of Quarter Sessions, and who at present also preside in the Registration Courts, the duty of the revising barrister. They are in general men perfectly competent to perform their duties in a manner satisfactory to the counties in which they are stationed, and there are no grounds for creating any new officers to preside in the Registration Courts. My next point refers to the right of appeal. An appeal is allowed in England as to the law, though not as to the facts of the case, and the duty of hearing the appeal belongs to the Court of Common Pleas. We do not propose to give this appeal in Ireland to the Court of Common Pleas, but to the Court of Exchequer Chamber. And it is also proposed that the majority of the Judges, namely, seven, shall constitute a Court. The duties of Judges are multifarious, and it is, therefore, not easy to get together nine of them, which is the number required to constitute a Court, and we consider that seven will be sufficient. I do not wish to go into the reasons which make it advisable not to give an appeal to the Court of Common Pleas or to any one Court, and shall only say, that a reference to the whole body of Judges in Ireland will, I think, be, generally speaking, considered more satisfactory. There are only one or two other minor differences to which I think it necessary to refer. The preparation of the lists of claimants to the Franchise in counties in England is left to the Overseers of the Poor, while in the counties in Ireland they are to be prepared by the Baronial Collectors. In boroughs in England the lists are prepared by the Churchwardens, in boroughs in Ireland they are to be prepared by the Town Clerks. In England the Town Clerks exercising the duties of Clerks of the Peace have the custody of the lists. In Ireland we propose that the Clerk of the Peace shall have the custody of them. These constitute the differences between the English and the Irish proposed systems. With regard to the duration of polling, there will be no material difference. It is proposed to limit the poll in Ireland to one day for boroughs, and to two days for counties. That arrangement will probably meet with general assent, as it will prevent the great abuses which at present exist in reference to the duration of elections in Ireland, and will have the effect also of curtailing considerably the expenses which attend a protracted contested election. By the proposed arrangement no man will have to travel more than a few miles to answer objections to his claim, or to give his vote. I will now state what it is proposed to do with the existing registers. I propose that all persons now in the register should be replaced on the new register, and shall not be liable to challenge during the remainder of the term for which the present register would have lasted, except where he has parted with any portion of his property. I am aware that there may be some objections made to that. It may be said, that there are improper votes upon the register, and that the revising barristers ought to be enabled to purge the register of such votes as have been, I will not say fraudulently, but improperly placed there. I think, however, it is better that a few improper votes should remain on the register than that persons having a *bona fide* claim, and whose right has been recognised by a competent tribunal, should be exposed to a vexatious process of challenge, and I therefore now propose that those parties should not be liable to challenge for the remainder of the term of eight years which the law now allows them to remain on the register. At the end of that time they will have a right to be entered in the register, under the same rules as other claimants, and liable to any ground of objection which may be urged against them. I also propose by this Bill to give costs in cases of frivolous objections and unsupported claims, which costs are not to exceed 20*s.* in amount. These are the principal provisions of the Bill with respect to Registration and polling, and if there are any provisions of this part of the Bill to which I have not adverted, I am ready to give an answer to any Gentleman who may seek further information upon it. I will next proceed to the most important and most difficult branch of this subject—I mean the qualification of voters. The House is well aware that the question of the Franchise is in a most unsatisfactory state. In the year 1829, when by the 10th of George IV. the right of voting was taken from the 40*s.* freeholders, there were in Ireland, if I am not mistaken, 216,000 electors. I certainly do not propose at this moment to enter into the merits of that question, but I believe that, with a few exceptions, the abuses of that system were generally recognised, and the propriety of its abolition generally concurred in. I think the effect of the measure has been somewhat exaggerated. In the year 1829, as I have already stated, there were in Ireland 216,000 electors, but it is worthy of observation, that out of those there were 102,000 registered for seven counties. There were 32,000 for Galway, 24,000 for the county of Mayo, 12,000 for the county of Monaghan—in fact, there were 102,000 of these 40*s.* freeholders registered for seven counties. At the present moment the actual constituency for the county of Kildare is nearly as large as in the year 1829, and in the county of Wicklow I think the constituency is rather larger than at the former period, whilst in some other counties the numbers are nearly the same at the present time as they were in 1829. I merely mention this because I think the effect of the Act of 1829 has been a good deal exaggerated. The registered electors in 1829 were about 210,000. These were, reduced the following year by the 10th George IV., to 39,700. In 1831 they were increased to about 52,000, and the Reform Bill again increased them to about 60,000. The number was 64,000 in 1835, 76,000 in 1837, 57,000 in 1841, and 63,000 in 1842. From the time of the Reform Bill down to the present period 11,000 have been added to the constituency of Ireland. I will now advert shortly to the cause of the difficulty which exists with respect to the definition of the franchise. In the English Reform Bill the words "to him" after those of "clear yearly value" were originally inserted, but they were expunged in the House of Lords. They were therefore not inserted in the Irish Bill. The right hon. Gentleman the present Chancellor of Ireland objected to the omission of these words, and said that considerable doubt and uncertainty would arise in consequence of it. I believe that the learned Gentleman, Mr. Lefroy, proposed as a means of obviating the difficulty the insertion of the words "beneficial interest." Those words were introduced, certainly with no intention on the part of the proposer of them in any way to lower the qualification; and I have not been able to discover that Her Majesty's then Government entertained any such design. It was clearly and explicitly stated by a noble Duke in the other House (the Duke of Richmond), that it was not the intention of the Government to lower the qualification; and I believe that no such intention ever existed. It is perfectly true that the Act, the 10th of Geo. IV., did impose an oath commonly called "the solvent tenant oath," which it was required that the occupier should take, declaring that he could let the land to a solvent tenant for 10*l.* above the rent he himself paid. That oath was omitted in the Reform Bill. In the 19th Geo. II., the same oath was imposed upon freeholders; by the 13th of Geo. III., that oath was omitted, but I believe that it was never contended that a clear beneficial value—that is, a surplus after the payment of rent and other expenses—was not necessary. It was clearly defined that clear yearly value meant the value for which the estate might be let to a solvent tenant. In the Middlesex Election Committee in 1785 this was the definition that was given to the Clause. That was the interpretation that was recognized by our legal tribunals, and I believe that no doubts existed upon the point in English Courts of Law. The Bedfordshire Committee confirmed this decision. But the insertion of the words "beneficial interest" and the omission of the oath gave rise to a different interpretation of the law in Ireland. Many of the Assistant Barristers and some of the Judges held that the proper interpretation to be put on the Clause was, what the estate might be worth to the occupant. The question was argued in the Court of Exchequer Chamber in 1837, in a case that was tried before Lord Chief Justice Bushe, in which it was not only laid down that the solvent test was the proper interpretation, but that the solvent tenant oath was the oath to be administered to the jury. Two of the Judges held that the solvent tenant test was no longer applicable, and three of them held it was applicable, but that no oath was to be administered, and the remainder of the Judges decided that the oath was properly administered, and that the solvent tenant test should remain in force. The minority of the Judges and several of the Assistant Barristers declined to be bound by the opinion of the majority, and this was one great cause of uncertainty. It is therefore right that Parliament should put an end to the doubt, and that the question of value should be defined by legislation. Looking, then, at the intention of the Legislature—looking at the decision of the majority of the Irish Judges, and to the practice in England and Scotland, and holding it to be a sound constitutional principle that the county franchise should depend on a *bonâ fide* property arising out of land, we are determined to render the Irish law conformable in this respect to the law of England and Scotland, and to require that there should be a clear yearly value of 10*l.* over and above all rent and charges. It may be said that this object could be attained in a more simple manner. In 1841 the noble Lord the Member for Sunderland made a proposition on the subject, in the principle of which the Members of Her Majesty's present Government, then in opposition, concurred. That proposition recognised the principle of property arising out of land. The noble Lord proposed to take the surplus of a certain rating above the rent as the test of qualification; but from the Reports which have been laid on the table of the House, and from the inquiries which have been made, I am convinced that the effect of such a Measure would be more stringent than that of the solvent tenant test. The House is aware that by the mode in which the late valuation in Ireland has been made, a certain amount of profit is allowed to the occupying tenant. It is something below the rents of land belonging to large proprietors in Ireland, and considerably lower than those of the occupying tenants of sublessees and middlemen in Ireland. I have the rent-roll of certain estates in Ireland belonging to gentlemen of the highest character, in which I place the greatest confidence. I am not permitted to state the particulars and names of these cases. I have no right to ask any gentleman to furnish me with a copy of his rental for the purpose of making public his name and the particulars relating to it, and he would not be bound to give me any information for such a purpose. I have, however, seen calculations made in every part of Ireland, with very few exceptions, so that I feel I should be correct in stating that any surplus, even below the amount specified by the noble Lord the Member for Sunderland, though the sum were only 5*l.* above the rent, would have the effect of virtually disfranchising a vast number of the present electors, and would expunge from the registry-book a larger portion of the existing constituency than would have been effected by the introduction of the solvent tenant test. All the communications which I have received from every part of Ireland—north, south, east and west—satisfy me on this point. Besides, I do not think it would be right to depart from the ancient principles of the Franchise in Ireland and Scotland, unless some large and practical good were to follow. I now admit, without the least hesitation or reserve, that the effect of the application of the test now proposed, would be to deprive of their votes a considerable number of the present constituency — I mean of the 10*l.* occupants. It is impossible for me to say precisely what the effect would be; but, wishing to overstate rather than to understate its possible effect, I will admit it may be to strike from the registry two-thirds of the existing 10*l.* leaseholders and freeholders. I believe that class of occupants amounts to about 40,000, and it is obvious that one-third of the number would not be adequate to express the opinions and feelings of an electoral body. It was declared by my right hon. Friend, at the beginning of the Session, in the Debate upon the State of Ireland, that it was expedient to give in Ireland, if not an identical, at least a substantially equal Franchise with that possessed by the people of this country. In making, then, a large reduction of the constituency, it is necessary to seek for some compensation, for it must be admitted that the restricted number would be inadequate to express the wants and wishes of the community for whose behalf the Franchise is entrusted to them. Her Majesty's Ministers think it desirable that there should be a community of interests and feelings between the constituent body and those for whose interest the Franchise is entrusted to them. Her Majesty's Ministers, therefore, think it expedient to seek for a constituency amongst a class of persons who, by their independent position, will be enabled to give unbiassed and unprejudiced votes, but who are not too far removed in circumstances from the body of the inhabitants of the district in which they reside. They conceive that to place the new Franchise upon the amount of rent to be paid would be a measure liable to many and to great objections; that it would be the means, in the first place, perhaps, of inducing landlords to raise a larger amount of rent than they would otherwise demand; that it would be the means of leading to fraud and collusion between landlord and tenant; and they conceive that in adopting a simple test, they may effect, in a better manner, the purpose which they have in view. They propose, therefore, that all occupiers, whatever be their tenure, who are rated—all persons who are in the occupation of tenements, and are rated to the poor to a certain amount, shall have the Elective Franchise. The question, then, to be considered was, what the amount should be which would secure a sufficient constituency sufficiently low to connect the voter with the people, and sufficiently high to secure his independence? The inquiries which Her Majesty's Government have made have led them to believe that a man rated to the relief of the poor to the amount of 30*l.* a year would be possessed of sufficient capital, of sufficient stock, to make him an independent person; and they have, on the other hand, arrived at the conclusion that the addition so made to the constituency would infuse into it a sufficient proportion of the popular feeling to prevent a separation of it from the body of the people. There are in the counties of Ireland 76,000 persons rated to the poor to the amount of 30*l.* Of course, a certain deduction must be made from that calculation, for widows, minors, and so forth; and a further deduction must be made for persons who would appear on the register under other qualifications, as 50*l.* and 20*l.* electors. We have reason to believe that, of the existing constituency, 30,000 of present 30*l.* rate-payers are at this moment on the registry, and, therefore, taking one-seventh for the one class, and one-seventh for the other, we may assume 55,000 to be the addition to be made under the proposed new qualification. Deducting, therefore, rather more than 25,000 for the number to be struck off the registry, in consequence of the application of a more stringent test, and assuming 55,000 as the number to be placed on it by the operation of the new Franchise, the addition to be made by the joint operation of these two causes will be an addition of 30,000 to the county constituency of Ireland. But Her Majesty's Government, feeling that one of the links in the social chain of Ireland is wanting, that there is an almost entire absence of persons who answer to the small class of yeomen in this country, are willing to encourage as far as they can the creation of such a class of voters, by holding out the additional inducements of the Elective Franchise. Her Majesty's Government, therefore, propose that all persons in Ireland who shall possess a freehold of inheritance of 5*l.* clear yearly value above quit-rent, and persons possessed of leases for lives renewable for ever to the same amount, which is tantamount to freehold of inheritance, should hereafter vote. Her Majesty's Government think this proposition will have the effect of inducing many small capitalists in Ireland to vest their capital in the purchase of small portions of land; and I cannot conceive a more independent class of voters, or a class to whom it is more just and politic to give the Elective Franchise. That the immediate effect of this portion of the Measure will be considerable I am not prepared to say. I do not believe the fee simple of inheritance of land in Ireland is very common, but I believe that in many parts of Ireland leases renewable for ever are not very uncommon; and I believe this will, at any rate, hereafter have the effect of adding a considerable number of independent and respectable voters to the Irish constituency. There is no other alteration in the law which Her Majesty's Government propose to make. I should observe that it is not intended these freeholds of inheritance, and leaseholds renewable for ever, should require actual occupation to secure the Franchise. Therefore, if any small capitalist or freeholder chooses to acquire the right of voting in any county, without the necessity of occupation, he will be enabled to do so. There is one other point to which I wish to call attention. The House is probably aware that in England a person possessed of freehold to the amount of 10*l.* and upwards is not required to reside on his property. It is proposed, in this respect, to assimilate the law of England and Ireland, and hereafter to dispense with the necessity of occupation in cases of all freehold property exceeding the amount of 10*l.* The law in the three countries will be, in this respect, similar. The House is aware that, until the passing of the Reform Bill, occupation was not required in the case of 40*s.* freeholders in England. By the operation of that Act 40*s.* freeholders for lives are required to occupy, but not those who hold in fee simple. We place the Irish *bonâ fide* freeholder on the same footing. These, I believe, are the principal, if not the only provisions with respect to the qualification of county voters to which it will be necessary for me to call the attention of the House. I now proceed to consider the case of the qualification of voters in towns. The House is aware that under the Reform Act in England the payment of two taxes only is required—viz., the poor-rates and assessed taxes. But the House must, at the same time, bear in mind, that under the comprehensive words "poor-rate" in England a great portion of what is called in Ireland county cess is paid, and, therefore, what a voter in England is called on to pay is not only the actual rate for the relief of the poor, but likewise a large portion of the county cess. The consequence is, that in England it is necessary for a man to have paid a much larger sum under the name of poor-rate than he will be liable to pay on that account in Ireland. From the Returns I have obtained, it appears that the amount payable for a 10*l.* house in the large towns and a considerable number of the boroughs in England, amounts to 1*s.* 9*d.* in the pound, 6*d.* being the average payable in the towns in Ireland. In addition, as I have said, to the poor-rate, the payment of the assessed taxes is also required in England. It is certainly possible that a man may inhabit a 10*l.* house in England having only seven windows, and consequently not be liable to the window tax; but I believe these cases are very rare, and it will be generally found that a voter in large towns is subject to the window-tax, and assuming he is liable for the poor-rate, that makes the payment for the 10*l.* house 3*s.* in the pound. In Ireland, by the Reform Act, it was provided, that a man should pay all the county and municipal rates and cesses. The consequence is, that in Ireland it is necessary for a voter to have paid a considerable number of taxes, some of some magnitude, and others merely annoying from their multiplicity. Her Majesty's Government propose to simplify this, not to introduce precise similarity, there being no assessed taxes in Ireland, but to substitute for the assessed taxes those which appear to correspond. It is proposed to take what is commonly called the town-rate—viz., the rate for the purpose of paving, lighting, and watching—the payment of the poor-rate, the payment of the borough-rate, if one exists, and the payment of the police-rate. This is in accordance with the principle to which Government propose to adhere—viz., to make the payment in Ireland correspond as nearly as may be in amount with the payment in England. I believe, as far as the calculation I have made, enables me to judge, that the borough voter in Ireland will, under the proposal which I shall submit to the House—viz., that he should pay the poor-rate, the borough-rate, the paving, lighting, and watching-rate, and any police tax which there may be—pay about the same amount as the corresponding class of voters in English towns. Being anxious to save the time of the House I have not referred to a number of documents to establish the facts which I have very shortly endeavoured to state to the House. Of course if my statements are called in question I shall be prepared to verify them, by reference to those documents; but I am unwilling to trespass longer than may be necessary on the time of the House. One of the great objects of this plan would be, to relieve the voter in Irish boroughs from the multiplicity of payments to which he is now liable. I believe that the multiplicity of taxes is a greater grievance than their actual amount. If the payment of any one tax is omitted, the voter is disfranchised. This does appear to be a considerable hardship, and I think it cannot be the intention of the House to deprive any man of the franchise who is properly qualified. I believe, that the taxes we leave will be a sufficient evidence of the solvency of the tenant. A departure from that principle would be extremely dangerous; we merely propose to diminish the number of the taxes, and to substitute others more easy of collection. In making this statement, I have endeavoured calmly to discharge my duty, without exciting the feelings of the House. I think, that the plan I propose, will place the Elective Franchise in Ireland on a wider and more extended basis. Although founded on the same principle as the Franchise in England, still I believe, that the basis is wider and more extended than it is either in England or Scotland. Sir, I do earnestly hope that the great body of the Irish people will see, in the proposal of this Measure by Her Majesty's Government, a redemption of the pledge which was given by my right hon. Friend at the head of the Government in the speech to which I have referred; that they will see, in the adoption of it by the Imperial Parliament, their earnest desire to give to the people of Ireland the enjoyment of equal rights and equal franchises with the people of this country; and I trust that those to whom these powers are now entrusted for the first time will bear in mind that these powers are entrusted, not for the advantage of themselves alone—not for the advantage of the district in which they reside—not for the advantage even of the country in which they live; but that they are given to them for the good of the whole of this great, and, still United Empire. It is my purpose to lay the Bill on the Table to-morrow, then to move that it be printed and distributed, that Gentlemen may have ample time to consider it. I will now explain shortly the nature of the alterations I propose in the Municipal Corporations Bill, as the two matters are so closely connected. The House is aware that when the Municipal Corporations Bill passed, the assimilation of the Municipal Franchise in Ireland to that of England was impossible. The Municipal Franchise in England is based on the occupation of a house for a given time, and on the payment of rates for the same period. The Poor Law valuation not having been a sufficient time in force when the Municipal Corporation Act became the law, it was impossible to base upon that the Municipal Franchise. It is now proposed to remove any cause of complaint which may arise out of the difference which exists between the Municipal Franchise in Ireland and in England, by assimilating them as far as possible. In all the larger boroughs in Schedule A in Ireland, except perhaps Wexford, the Poor Law has been in operation a sufficient time to operate as a test similar to that which is required in England; and it is, therefore, proposed to extend to Ireland the provisions of the Municipal Corporation Bill of England in that respect, and to give the right of voting to every inhabitant householder who shall have occupied for the space of three years, or who shall during that time have been rated to the relief of the poor, and who shall have paid his rates and taxes up to that time. I do not wish now to revert to the discussions on the Municipal Corporation Bill. No man can regret more than I do what I must describe as a perversion of the powers which Parliament had given them—that they should have become normal schools of agitation. I think it would have been much better if they had confined themselves more strictly to their own peculiar duties; but still, regretting this, I cannot divest myself of the conviction that every man in a town who contributes by the payment of rates and taxes to the maintenance of that town, is entitled to a vote in the administration of its local affairs, and I do trust, that after the temporary effervescence now existing in Ireland shall have subsided, all parties connected with Municipal Corporations will rather turn their attention to the due administration of their own local affairs, and reserve the expression of political opinions for more fitting opportunities. The House is aware that now the whole of the Grand Jury, Municipal Rates and Taxes, and Poor Rates are payable as a condition of the Municipal Franchise. In Dublin there are no less than twenty-one or twenty-two of these local taxes. I do not mean to say that every one is liable to pay twenty-one or twenty-two taxes, but there is that number of taxes to which the inhabitants of certain districts are liable, and I know that in Dublin some individuals are liable, in order to acquire the Franchise, to no less than fourteen, fifteen, or sixteen local taxes. This is a very great annoyance, because the non-payment of any of these taxes deprives the voter of his right of voting at Municipal elections. It is proposed to require the payment of the same taxes and to the same amount as those which are required to entitle the voter to the Parliamentary Franchise. I am not aware that there is any other point to which it is necessary to call the attention of the House. That is the only provision of any importance which this Bill will contain. The noble Lord concluded by moving for leave to bring in a Bill to alter and amend the laws which regulate the Registration, Qualification, and Polling of Parliamentary Electors in Ireland. [He afterwards said, there was one point of some importance which he had omitted, and perhaps the House would allow him to supply the omission.] It was proposed to introduce into the Irish Law a provision with regard to joint occupation, which would place it on the same footing there as in this country.

Mr. *More O'Ferrall* said, that the noble Lord, though he had conceded all the principles against which his party had once contended, had yet fallen far short in his propositions to carry them out. The noble Lord had proved by his Bill that all the complaint, and all the agitation which existed on this subject in Ireland for several years past, had been fully justified. All the complaints made against the Reform Act of 1832—all those made against the Municipal Corporations Amendment Act, had been fully justified by the Measure of the noble Lord. In carrying out the details, it appeared to him that the noble Lord had fallen into all those errors which might have been expected from him, considering the advice under which he had acted. He fully admitted that the noble Lord was inspired by the best and most honest intentions; but he believed the views of the noble Lord himself were not carried out in this Bill. The principle of the Bill, no doubt, was the main thing; but in a Bill of this kind the mode of carrying out the principle was of very great importance. The noble Lord had stated that he meant to continue the present Franchise of 10*l.*, clearing up the difficulties attendant on the interpretation of the law, and making it what the noble Lord said it was intended to make it in 1832, 10*l.* payable by a solvent tenant. The question raised at that time was whether a man, having a 10*l.* beneficial interest accruable to him, did not thereby obtain the Franchise. The decision of the judges was, that it required 10*l.* over and above the rent, that was, that a solvent tenant could afford to pay 10*l.* more rent than a tenant by occupation. That was the interpretation put on the law by a majority of the judges, and that he understood to be the interpretation which the noble Lord intended to confirm by this Bill. The noble Lord admitted that this would diminish the present number of voters in the registers by about one-fourth, and in compensation for that he proposed to give a Franchise to persons rated under the Poor Law at 30*l.* a-year, which would give at least 50*l.* rent. He contended that taking the rate at 30*l.* from the solvent tenant, he would be able to qualify in the Quarter Session Courts, under the interpretation which the noble Lord now gave to the former qualification. Thus the number which the noble Lord proposed to add to the constituency of this Franchise of a 30*l.* rating, was no addition at all. The noble Lord had omitted a very important point—he did not state whether this 30*l.* Franchise was to be attached to tenancy at will or not. He understood the noble Lord to state that it was to be an occupation of 30*l.* To that he (Mr. M. O'Ferrall) entertained the strongest objection, inasmuch as a person holding a farm rated at 30*l.* was generally one of such station and character as to be infinitely more under the influence of his landlord than even the man who possessed the qualification under the present interpretation of the law. The persons who had the 10*l.* qualification were protected by the lease. If they paid the rent when it was called for, the landlord could not turn them out; but a tenant-at-will, holding from year to year, was immediately under the power of the landlord; he might be served with notice to quit, as the law now stood, on the 1st of May, and six months afterwards he was ejected instantly. With the political opinions of the majority of the landlords, they must know perfectly well that this was placing the best and most industrious class in the country entirely under the power of the landlords. For his part he conceived that a Franchise of this kind was one of the greatest misfortunes and curses with which the country could be visited. It would be better a thousand times to declare at once that persons in occupation of land should not have any Franchise at all; and when a particular landlord had on his estates a certain number of persons who were qualified by a 30*l.* valuation to the Poor Rate, to allow him so many votes for his property. That would be fair, clear, and intelligible; but he could conceive nothing more unjust, nothing more impolitic, nothing more dangerous to property even, than to give by an Act of Parliament passed solemnly by the Legislature the right to individuals to exercise a certain privilege for their own protection, and in accordance with constitutional usage, and then to permit it to be violated by the influence of the landlord, and the holder, if he insisted on maintaining effectually the rights which the House had given him, to be made a victim. He was satisfied that the outcry which existed against property at that moment in Ireland, the importance of which no man could exaggerate, was increased by the landed proprietor violating the rights which the law gave to the voter, who was his tenant, and then expecting that man to respect the rights of property in the person of his landlord. The next point to which he would wish to call the attention of the House, and which the noble Lord had entirely omitted, was the right of voting out of rent-charges to the amount of 50*l.* and 20*l.* The noble Lord the Member for Lancashire also, in descanting, as he had done two years ago, on the iniquities which marked the system of registration and voting in Ireland, had entirely omitted to dwell on this grand head of abuses, the granting of rent-charges. Nothing was more common than for a proprietor to grant a rent-charge to an individual: proof of this might be brought in a court of law, and the vote would be registered by the judge, and sent to the Clerk of the Peace. The claimant would then be a freehold voter, without appearing before the Quarter Sessions, or undergoing any examination, it not being ascertained that the man received or intended to receive the qualification granted to him by the rent-charge. In that way an immense number of voters was put on the register in Ireland. The same abuse existed in Scotland, where it was carried to an enormous extent. In Scotland, however, about as many of these faggot votes were created by one party as the other, and thus the evil was balanced. There property was pretty equally divided between Whigs and Tories, but in Ireland it was almost entirely confined to one side of politics, and thus the advantage given to that party by this creation of fraudulent votes was not compensated by any advantage on the other. If it were really wished to amend gross and wicked abuses in the Franchise, certainly this was one of the abuses which ought to be abolished. If it was the object of the framers of the Bill to continue the Franchise only to those who were properly qualified, it ought to provide that those voting out of rent-charges should have been in the receipt of the 20*l.* or 50*l.* for twelve months previously, and there should be a power of putting them to the proof that they had actually received it when the votes came to be revised. The noble Lord stated, most truly, with respect to the 40*s.* Franchise, which was destroyed by the Act of 1829, that in some counties there was a great number of such voters, and in others scarcely any, instancing that which he had the honour to represent. In that county, it was true, there were hardly any; it had not been contested for many years, and, therefore, they were not registered. In that county, however, there was a great increase of 40*s.* freeholders in fee—persons as well qualified to hold the Franchise as any that could be expected under the 5*l.* qualification. With respect to the proposed Franchise from a 5*l.* qualification in fee, it was one which he thought of all others most desirable to exist, but it was one which he feared, under present circumstances, there was no chance of creating. As to the number of voters the noble Lord expected to add by allowing the votes from rent-charges, he was sorry to tell him that he did not think it would amount to 1,000 throughout all the counties of Ireland. With respect to the Franchise in towns, the noble Lord did not state the whole of the amendments he intended to introduce in it. It admitted of many beneficial changes to which he scarcely thought the noble Lord would object. Under the present law there was a very singular anomaly. A man was allowed to vote if he held a piece of land which, jointly with his premises, made up the value of 10*l.*, provided it were rented from the same landlord, but not if his holdings were rented from two or three different landlords. He could see no valid reason for this restriction; the object must be not to limit the Franchise, but to seek out the man who was qualified to vote, and the man who held of three landlords was as well entitled to vote as the man who held from one. He conceived that in all the Legislature had done, they had admitted the principle that the Franchise was not sufficiently extended, but he must protest most strongly against giving the Franchise to tenants-at-will.

Mr. *Shaw* said, with reference to an observation which had fallen from his right hon. Friend opposite, he might state that, as far as he had been able to learn, he did not know any Irish Member who had been aware of the intentions of the Government on this subject until to-night. It was impossible to say, until they had had some experience of the working of a 30*l.* Franchise in Ireland, what the practical effects of such a measure might be. The real difficulty in the case was, he conceived, with respect to the pressure upon tenants at will by their landlords in Ireland, and the power the landlords possessed over them. Let the Franchise be regulated as it might, by a tenancy from year to year, by lease, or by any other mode of holding, he believed that, so long as Ireland continued in its present state, there would be a strong objection on the part of the tenantry to register their votes. His conviction was, that, until the system of agitation was abandoned in Ireland, and until that country was placed in a state of repose, the number of registered voters would gradually decline. Hon. Members on both sides were well aware that the common feeling of the Irish tenantry was this—"If I register my vote a pressure will be put upon me. I may wish to vote with my landlord, but I may be unable to do so;" and the consequence was, that many of the respectable tenants were rather disposed to busy themselves about their farms and their families, than to interfere in political matters. Even if they extended the Franchise, they would be unable, under present circumstances, to remove from the minds of a great portion of the qualified tenantry a strong unwillingness to register their votes. His right hon. Friend, alluding to the qualification by rent-charges, had complained that persons who claimed on such qualification were registered without an opportunity being given of testing the validity of their claims; but he had never heard that there was a large number of this class of voters in Ireland. It often happened that persons gave rent-charges to their near relatives in order to enable them to vote; but he did not think this was done unless the parties to whom the grants were made derived some benefit. At all events, he was certain that the system alluded to by the right hon. Gentleman did not prevail generally in Ireland. He would not now enter into the merits of the noble Lord's proposal, for he was unwilling to give any opinion on the subject until an opportunity had been afforded him of seeing the Bill. He would say, however, with reference to one suggestion of the noble Lord, that if extending the Franchise to 5*l.* freeholders had the effect of encouraging in Ireland the spread of a class of small landed proprietors, he would be most ready and willing to see such an extension. He would, however, reserve any observations upon the merits of the Measure until a more fitting opportunity.

Lord *J. Russell* willingly admitted, with his right hon. Friend near him, that the noble Lord had had the best intentions in proposing the Measure he had laid before the House. He admitted, moreover, that the subject the noble Lord had to deal with was a most difficult one. The first proposition of the noble Lord was to make the definition of the Franchise in the counties of Ireland the same as the definition generally applied to the 40*s.* freeholders in that country, to make it agree with the real value, and, therefore, as the noble Lord admitted, considerably to diminish the number of county voters. The noble Lord thought the effect of this would be to take away no less than 5,000 voters: of course, respecting the diminution, as the augmentation, the noble Lord could only speak from general calculation. How was that deficiency to be supplied? By tenants holding by occupation from year to year, and who therefore might fairly be described as so far tenants at will, that on notice from their landlords, they might be obliged to quit their holdings if they gave a vote adverse to his wishes. Be it remembered, this Franchise did not exist in England till the time of the Reform Act, and then not by the proposal of the Ministers who brought forward the Bill, but on that of a noble Duke (the Duke of Buckingham), then a Member of that House. Such was its origin. The consequence had been, that, as was now generally acknowledged, the elections for the counties of England were in the hands of the landed proprietors. This effect had been described very shortly, but, he believed, very truly, by the noble Lord opposite (Lord Stanley), when he said, that as regarded the counties of England, if some six or seven landed proprietors met and agreed on the candidate, the election was at once determined, and there was no further question of the result. But this machinery, though he (Lord John Russell) might think it a bad one, at least worked in England without friction; for it was observable that generally with some exceptions, the landlords of England, whether Tory or Whig, found tenants exceedingly willing to give their votes in accordance with their views. It produced only in some cases, which were exceptions to the general rule, any feeling of irritation or discontent on the part of the tenant, that he had given his vote in the same way as his landlord. But the case in Ireland was very different. It was, as the right hon. Gentleman said, that generally speaking tenants were anxious to escape from the difficulty of having a vote—that they wished not to be registered in order that they might not have to oppose the wishes of their landlord on the one hand, by yielding to other influences, as the right hon. Gentleman the Recorder for Dublin would say, or, as he (Lord John Russell) would say, by following their own inclinations, and the general bent of popular feeling. But be that as it might, with respect to the point of opposing wishes and interests the right hon. Gentleman and himself were agreed. There was the interest of the landlord on the one hand, and the wish on the part of the tenant to act differently from his landlord on the other. He thought it impossible that they could expect the effect on this point to be exactly the same in Ireland as in England without producing very great discontent. If you effected the object which had already been obtained in England, of making the counties the mere channels through which the landed proprietors sent persons to that House, you could not do that without producing great discontent among the electors in Ireland; and, as he thought, the general result would be, that those who came from the counties of Ireland hereafter would not represent the general wishes and feelings of the people. He considered, therefore, that the introduction of a Franchise from 30*l.* tenantcies at will was very objectionable. It had been suggested that occupation alone might form a good Franchise, but that the amount was too low. He would not say whether that was the case or not, but he thought the only way in which the people could generally follow out their own wishes would be, that they should be in such numbers that the landlord, finding that 1,400 or 1,500 persons had given their votes in a particular way, would never attempt to eject them. He was afraid, however, that the body of voters created by the Bill would be sufficiently limited for the landlord to have great power, if not complete power over them: while, on the other hand, they would be very unwilling to admit that power. The noble Lord had proposed a 5*l.* Franchise; so far as that went, he thought it would produce nothing but good. He was willing to accept it, because, though they could not expect that there would be an immediate and present addition to the number of county voters in Ireland, it might hereafter produce a considerable addition. But if the noble Lord was trying to carry into effect the pledge given by the right hon. Gentleman, that there should be something like substantial equality in practice between the two countries, he could not see why they should refuse to grant a 40*s.* Franchise. He could well enough see why they should not admit 40*s.* as the amount for those who held only a life-interest, or an interest in the life of another, because that was a Franchise which, as they all knew, had led to great abuses in former times; but the number of 40*s.* freeholders in fee, like that of the 5*l.* freeholders, being very small, he did not see why they should not give exactly the same Franchise in Ireland as the English enjoyed, rather than have a too narrow Franchise in that country. With respect to the present Bill, he should wait for the explanation given of it by the right hon. Baronet; but he could not at present see how it carried into effect the declaration that there was to be a substantial identity of Franchise, which was attainable only by complete equality. The noble Lord proposed some simplifications with respect to the right of voting in towns, which were considerable improvements. As to corporations, he proposed to make the Franchise, in voting for municipal officers, the same as in England; he supposed the right of voting would be also continued as laid down in the Act of last year. By one provision of that law, no person who was not rated at the sum of 8*l.* was liable to pay the rate; it was made payable by the landlord. He did not know whether there was to be any provision in this Bill by which a person could take on himself the payment of the rates, and thereby become entitled to vote for officers or magistrates of municipal corporations. He could have wished that a Bill on the great subject of the right of voting had been framed in a larger and more liberal spirit than this appeared to have been.

Mr. *Bellew* expressed his regret that a 40*s.* instead of a 5*l.* freehold Franchise had not been proposed. He was not prepared at present to give any opinion with respect to the tenancy at will, but concurred with the right hon. and learned Gentleman opposite that the chief difficulty was to induce voters to register. In that respect the present Bill appeared to leave matters where they now were. He should be disposed to view a Measure proceeding from the Government with respect, if the right hon. Baronet really intended that the Irish Franchise should be extended in accordance with the principles of the Reform Bill.

Viscount *Howick* thought it was well worthy the consideration of the Government whether they could not get rid of the evil, both in England and Ireland, arising out of the conflicts in the Registration Courts, by making a class of electors who would have the right of voting by virtue of their names having been once put upon the register. Let the mere fact of being rated in such and such a manner be sufficient to establish the claim to the Franchise. That would do much to meet the difficulty adverted to by the right hon. and learned Gentleman opposite, namely, the indisposition of voters to register. He hoped that Gentlemen upon that (the Opposition) side of the House would not too hastily condemn a proposal to establish a right of voting founded upon mere occupation. He was prepared to admit that the protection of a lease would be better, if thereby a sufficient constituency could be obtained, than a constituency grounded upon occupancy only; but the result of the inquiry which, two or three years ago, he had made into the subject, had led him to the conviction that, if the Franchise were trusted entirely to a dependency upon leases, by no contrivance could a sufficiently-numerous body be obtained. The right hon. Member for Kildare had adverted to the unfortunate difference of opinion which, taken as a body, existed between the owners of land and the occupiers in Ireland. If that were so, it was undoubtedly a great evil, but if the granting of a lease were rendered absolutely necessary, power would be given to the owners of the soil to disfranchise a large portion of the population. All the evidence he had seen tended to show that the practice of granting leases in Ireland was unhappily very fast going out; therefore, if the Franchise were made to depend wholly upon leases, whatever might be the amount of qualification required, it was to be feared that far too scanty a number of voters would be obtained to answer the purpose. It was to be considered that Franchise arising from a lease was liable to abuses. A lease might be granted at a nominal rent—one not in fact to be paid, for the purpose of creating not only a vote, but a dependent vote. Suppose a lease granted at 10*l.* or 20*l.* or whatever might be the amount of qualification required, with the understanding that a smaller sum was really to be paid upon certain conditions. Such means might be taken to bring the vote under the management of the granter of the lease. With regard to England, he thought that hon. Gentlemen were mistaken as to the practical difference in point of dependence between a 50*l.* tenant at will and a leaseholder. He had had experience in county contests, and been actively concerned in some severe ones, and he had not seen practically that difference on the score of dependence between the two classes of farmers. He did not allude to those who had very long leases, and who might be said to have an interest in the land, but to farmers really paying the full value of the land, whether upon a lease for twenty-one years, or holding from year to year. In either case the tenant had good reason to seek for good at the hands of his landlord, and as far as his observation had extended, the difference was not so great in point of dependence. In both cases, much to their credit, the tenants had often asserted their independence. He feared, then, it would be found practically impossible to get the number of the constituency in Ireland, without some occupation Franchise; but he agreed with his noble Friend, that it was a subject worthy the consideration of the House, whether, if it were necessary to adopt an occupation Franchise, a lower amount should not have been fixed, so that there might be a sufficient body of voters to protect one another; because it would make a great difference to that class of voters in regard to their independence, if their number was so large that it would be difficult for the landlords to exercise an influence over them. He was disposed, then, to agree with his noble Friend, that 30*l.* was higher than should be required. No doubt, however, the Government would lay upon the Table further information upon the point, so as to enable the House to arrive at a correct judgment. In regard to the right of voting on account of property held in fee, he agreed with the opinion that had been expressed from both sides, that it was a most valuable addition to the Franchise in Ireland; but he must also again express his concurrence with his noble Friend, that if this kind of vote, arising out of property held in fee, were to be created, that was no sort of reason why it should be higher in amount in Ireland than in England. On the contrary, Ireland was the poorer country. Forty shillings of fee in Ireland, was, practically, a larger amount of property than 40*s.* in fee in England; and, as the right hon. and learned Gentleman opposite stated, if one thing was more desirable than another for Ireland, it was to encourage persons to acquire small property of that kind. If, then, the right of voting could be conferred upon a small amount of property in Ireland, on the same terms (40*s.*) as in England, it would be a most valuable Franchise to create in Ireland. He was happy to observe that the Government entertained the same opinion as the right hon. and learned Gentleman opposite, in regard to the importance of encouraging the acquisition of small amounts of property in fee; but if it were really desired to encourage persons to buy land in that manner, if it were wished to create a class of voters of that description, he wished to call the attention of the House to one point, not connected with the present Bill, indeed, but bearing materially upon this branch of the subject. He did hope that the Government would adopt some means to render more simple, easy, and cheap, the conveyances of land. He believed that what, at this moment, tended to interfere with the salutary process of breaking up property in Ireland into portions to be held in fee, was the difficulty and expense of making out titles and conveyances of those portions of land. It was in the power of the Government to do much towards diminishing that expense, an expense which had been increased by the measure of equalising the stamp duties in England and Ireland two years ago, and which he feared was an erroneous one. When the point was considered, he hoped that England would not be excluded, for he was sure that the acquisition of small portions of land in fee would be as beneficial in the one country as in the other. Having made these few remarks, he should reserve all further observations until the proper stage of the Bill, and conclude by expressing his satisfaction at the tone and temper in which the discussion had been carried on.

Sir *Robert Peel* trusted he might be permitted to express the hope, that hon. Gentlemen would not prejudge the measure, or deprive themselves of the opportunity of passing a deliberate judgment upon it, after having fully examined the details, and having had access to the information which it would be possible to supply. That was the course usually taken upon the first proposal of a Bill, and it would undoubtedly facilitate the continuance of the tone and temper by which he was happy to say the remarks hitherto made had been characterized. He was obliged to those hon. Gentlemen who had borne testimony to the spirit and intentions with which the Measure had been introduced, and he trusted they would remember that the course the Government proposed to take with regard to the municipal and county Franchise, was this, that in Ireland they had found some disqualifications which they proposed to remove. In Great Britain, occupation was not required in the case of freehold Franchise; in Ireland it was, and the Government proposed to remove that restriction, and to place the 10*l.* freehold Franchise on the same footing, in respect of Franchise, as in England. It was also proposed to continue every one already on the register for the period of eight years without other question than the continuance of the same qualification. But at the same time that the Government protected the existing rights of voting, they likewise proposed to increase the number of voters; and in that respect, so far as the interests of the Government were concerned, he might say that the

Measure had been constructed with fairness, and not in the spirit of party. With regard to the municipal Franchise, it had been said that great disparity existed between that of England and that of Ireland, and the Government had taken the first opportunity that had occurred of placing the two on an equal footing, by making the right of voting dependent either upon the occupation of a 10*l.* house, or of any tenement subject to rating, coupled with the proviso that the rates had been paid. So also with respect to the restriction upon the right of voting arising out of the multitudinous taxes, payment of which was now required to be proved, and than which no subject of grievance had been represented as more prominent, the Government proposed to relieve the right of voting from that incumbrance, and to facilitate it by means which had been already explained. Those were the general principles of the Measure. The Government were aware that there was a tendency to restrict from natural causes, and that the application of any more stringent test would add legislative to the natural. The Government were desirous of fulfilling those expectations which the people of Ireland had a right to form from the double operation of the Catholic Relief Bill and of the Reform Bill. The subject was one of extreme difficulty. It had been contended that the occupancy of land should be made more permanent than tenancy-at-will, but as the noble Lord had justly stated, it was then placed in the power of the landed proprietors to restrict the Franchise to an almost indefinite extent. If it were to be said that no man should vote who had not a lease, then in a very short time the Franchise in Ireland would be, by natural causes, independent of any legislation, reduced to an extent which no one would wish to see. The Government proposed to correct that evil by taking what appeared to be the simplest means—that a person rated to the poor to a given amount should have the right of voting. If the possession of a lease were insisted upon, the evil of a government restriction of the right of voting must be incurred. The Government, however, had not merely depended upon this—they had introduced a new 5*l.* freehold Franchise. With respect to the proposition of a 40*s.* freehold Franchise, some of the worst voters used to be the squatters, as they were called upon the Commons, and who exercised the right of voting by length of occupation. Care must be taken in regard to voters of this kind that temptation was not held out to landed proprietors to constitute a property of fee simples, thus making votes for the purpose of exercising his influence upon them, and for that purpose 5*l.* appeared a better security than 40*s.* The Measure had been brought forward with a view of fulfilling the declaration made on the part of the Government; and their intention had been to introduce a safe Franchise; which should be the organ of public opinion. Having made these few remarks, he would only repeat his hope that hon. Gentlemen would take time to consider, and not prejudge the Measure by precipitate opinions expressed from either side of the House.

Mr. *French* was glad to hear the indignant tone in which his right hon. Friend, the Recorder of Dublin, alluded to the contemptuous disregard of the opinions of his Irish supporters shown by the right hon. Baronet at the head of Her Majesty's Government. It appeared not one of them had been considered worthy of being consulted on this Measure, and they in common with others this day for the first time heard its provisions. He (Mr. French) thought that his hon. Friend ought not to be surprised that a cabinet, one member of which lately designated a vote of the majority of the House of Commons as "Jack Cade legislation," and another described the agricultural interest, to whom they are indebted for place and power, as "fidgetty and fussy," that such a body as this should undervalue the opinions and assistance of their Irish supporters was not to be wondered at. The speech of the noble Lord, the Secretary for Ireland, was, for the principles it laid down, valuable, though the attempt to carry these principles into effect was feeble indeed; as a measure of concession his Bill, stripped of its tinsel, was absolutely nothing; by it the privilege of registering on the beneficial interest the foundation of the franchise of the greater portion of the Liberal voters, was to be abolished and the solvent tenant test to be enacted. In future it would be necessary for the tenant claiming to vote to have at least a 20*l.* interest in the premises. Under this provision three-fourths of the present 10*l.* voters would be swept away to be replaced, according to the statement of the noble Lord, by 30,000 tenants-at-will voters rated at 30*l*—a Chandos clause—to place the representation of Ireland in the hands of the landlords as completely as the 50*l*. rent-clause had done in this country. Was it possible the noble Lord could anticipate legislation like this proving acceptable to the Irish people. The 5*l*. in fee qualification would bring no addition to the constituencies. It was but an ideal franchise, the result of which was limited to the noble Lord's imagination, and he (Mr. French) anticipated much mischief from the insidious attempt to prop up the tottering Poor law, by rendering the borough payment of that rate necessary for registry [Sir Robert Peel made some remark across the table.] He should, however, attend to the suggestion of the right hon. Baronet, and postpone entering into the details of the measure until it was more fully before the House, and no longer trespass on them at the present time.

Mr. *Hume* was pleased at the introduction of the measure, because it broke through a notion which appeared to have been formed on both sides of the House, that the Reform Bill was final. He wished to know if the right hon. Baronet thought that this measure would satisfy the people of Ireland, or would stifle the cry for repeal. There were 60,000 county voters in Ireland, and supposing that the present Bill did add 30,000, the total would be only 90,000; and he would ask, could that be called a healthy measure for that country? There were 31,000 borough voters, and the noble Lord had not said that he expected any addition to that number by the present Bill. There were some points in the Bill that might be advantageous, but in respect to the number of voters, it was impossible that the Irish, as reasoning men, could be satisfied with the measure. By reason of there being no settled guiding principle, the Bill would only introduce fresh anomalies into the franchise. He was sorry that some measure had not been introduced to give the mass of the people their fair share of the franchise; for his opinion was, that every person contributing to the taxes ought to have a vote. The measure was a pretence at assimilation, without being really so in the smallest degree, and it would be held up as an additional insult to the people of Ireland. If the right hon. Baronet would put himself in the position of an Irishman, he would acknowledge that this measure was not equality. He was no enemy to small improvements; much might be effected by little and little, and he was glad to get what he could, but that was no reason he should express satisfaction at receiving much less than he had a right to expect. Let not the right hon. Baronet suppose that this measure would remove any of the difficulties of his present position. The measure neither was nor ought to be satisfactory, and were he an Irishman, he should complain of it as an additional insult to his country. The Government had promised an ample measure of franchise, and he was greatly disappointed to find so little was at last to be obtained.

Mr. *Montague Gore* perfectly agreed with the right hon. Baronet (Sir R. Peel) that observations upon the details of the Bill would be misplaced on the present occasion; but as an English Member of that House he wished to express the great satisfaction he experienced at the introduction of this Measure. He referred not to its details, but to its principle, because he thought the principle upon which it was based was one which ought and would give the greatest satisfaction to Ireland, and tend more closely to unite the two countries. For, coinciding most sincerely in all the opinions which had been expressed with regard to upholding the Church in that country, and maintaining inviolate the Union, he felt that it was their duty, as legislating for the United Empire, to take every means they could safely adopt to make that Union a union in fact, and a union that was really beneficial to Ireland. Therefore he hailed with the greatest delight the introduction of this Measure; and, without entering into the minutiæ of the subject, he trusted that it would go forth to the people of Ireland as a proof that the Government and Parliament of this country did sympathise with their feelings and condition. And more especially did he cordially agree with some remarks which had been made in the course of the evening with respect to the very great advantage of causing a class of independent yeomen and small holders of land to be created in that country; because he thought there was nothing that would tend more to promote its social and political welfare than such a circumstance. It was true the Measure might not go to the extent which some hon. Gentlemen opposite thought desirable. This, however, was a matter of detail which might be entered into on subsequent occasions, and it would, perhaps, be somewhat premature to allude to it further now. Though in no way connected with Ireland personally, yet, feeling that sympathy and regard for her which it was his duty to do as a Member of the united Parliament, bound to legislate for Ireland as much as for Great Britain, and bound to regard her interests equally with those of England, he could not sit silent to-night without expressing his thanks to Her Majesty's Government for introducing the present Measure, and his firm conviction that it must ultimately be in the highest degree beneficial to Ireland, and therefore beneficial to the United Empire, with which he believed the interests of Ireland ever must be, and he trusted ever would be, inseparably and indissolubly connected.

Mr. *Morgan John O'Connell* joined with the right hon. Member for Kildare in protesting against the new principle introduced by the Government. He (Mr. O'Connell) had never heard any good of the Chandos Clause during the nine years he had sat in Parliament, nor any Member attempt to defend that enactment, which it was now sought to extend to Ireland. The Clause, too, as proposed for Ireland, would be more restrictive, in proportion, than the same Clause was in England. He objected to the Clause, because, while it greatly increased the influence of the landlord it made a very small addition to the number of county voters. The noble Lord said, that the Bill would add 30,000 to the county constituency, which, after all, was just about the number of the constituency of the West Riding of Yorkshire. He feared the Bill would not be well received in Ireland, especially the Chandos Clause part of it. He anticipated great danger from the operation of that Clause to the effectual carrying out of the Landlord and Tenant Commission. The object of that commission was to remedy the present uncertain tenure on which lands were held in Ireland. This Bill instead of inducing the landlords to co-operate with the Commission to alter the law of tenure in that country, would afford them a greater motive for continuing that uncertainty. It was therefore by no means at this moment a safe experiment to try. The class of voters it was proposed to increase in the counties were intelligent and solvent, but just in proportion to their solvency was the amount of their dependence upon the landlord. The system of polling at elections in Ireland was different from that which existed in England. As many votes might be taken in England in an hour as could be taken in Ireland in a day. [Sir *R. Peel.* How is that ?] It was a long story to tell. But one great cause of delay in polling in Ireland arose from the manner in which the oath was administered to the voter. In England the oath was administered in the second person, and only read once. In Ireland the oath was administered in the first person, it being read over to the voter, and repeated by him, word for word; and when, as it often happened, the voter did not understand English, the oath had to be translated into Irish, and thus full a quarter of an hour was occupied in administering one oath. He would not oppose the introduction of the Bill, and he hoped its merits would be discussed temperately, but he should be flattering the noble Lord if he were to say that the Bill would give satisfaction to the people of Ireland.

Mr. *Wyse* said, it was not his intention to enter into a consideration of the details of the Bill on the present occasion. The great value of the present discussion had been to elicit from the right hon. Baronet and the noble Lord a declaration which some years ago would have been held to be a most extreme doctrine, but it was nevertheless a doctrine that fully justified all the exertions that had been made for the enlargement of the Franchise and the assimilation of the rights of Irishmen to those of Englishmen. How far these declarations, which were only in conformity with the Emancipation Act of 1829, and to the Reform Act of this country, were likely to be borne out by this Bill, would be a subject for future consideration. He admitted the extreme difficulty of the question; it was not only a Franchise question, but a landlord's question, and scarcely to be judged of by any precedent in this country. One great benefit would certainly be gained by giving a clear definition of what was called a beneficial interest, but the effect of that definition would be to diminish the constituency. This deficiency was proposed to be made up by enacting that in the case of a 5*l.* Franchise, it was not absolutely necessary that the party should be in actual possession. He considered an absolute proprietor, however small in amount, far more independent than a leaseholder; he rejoiced, therefore, that this principle of proprietorship was recognised, but he regretted that it had not been placed at a lower value than *5l.* No conclusion could be drawn from the abuses of the 40*s.* freeholder system of former times. If the Government were to restore the 40*s.* freehold system, being an estate in fee-simple, he did not believe it would be abused as formerly. With regard to the municipal franchise, he was glad the noble Lord had recognized the necessity of assimilating the franchise of the towns of Ireland with that of the towns of England as nearly as possible. There, however, existed still many qualifications in English towns which were not even by this Bill acknowledged as grounds for conferring the Franchise in Ireland.

Sir *R. Peel* said, that he had been mistaken in one point upon which he was anxious there should be no misapprehension. Speaking of the Franchise in the municipal towns in Ireland, he had said that he thought there were some towns in which a right of voting existed to which it would be impossible to apply the English principle, but he had since been informed that it was possible to apply in the larger towns the same principle, and therefore it was proposed to substitute the English Franchise wherever it could be made applicable to towns in Ireland. With regard to the effect of the Stamp Act, he believed that the effect of assimilating the stamp duties on conveyances in both countries would not be to increase the charge on the conveyances of property up to 100*l.* value, but to diminish it. Formerly the duty in Ireland on conveyances of property to that value was 1*l.* but now it was reduced to 10*s.*

Lord *Eliot* acknowledged the moderation with which this Bill had been discussed. With respect to the Chandos Clause, as it had been designated, he would not now discuss it at any length; but in truth the Clause in the present Bill was not exactly similar to what was called the Chandos Clause in the English Act. In England the franchise depended upon the amount of the rent paid to the landlord; whereas in Ireland the franchise would rest upon the amount of the rate paid by the occupier. He did not think the honorable Member for Kerry (M. J. O'Connell) had in any way answered the question of his (Lord Elliot's) right hon. Friend, who had asked, if you do not adopt a qualification of this description, how will you provide a sufficient constituency for the Irish counties? The fact was, that so far from this Clause tending to strengthen the disinclination on the part of the landlords to grant leases, it would have a contrary effect. He believed that the indisposition of landlords to grant leases arose from the fear of giving tenants votes which might be used against them. But when the franchise was given to the tenants whether they held leases or not, the difficulty of granting them on this account would be done away with, and then the granting of leases would depend upon the sole merits of each case, whether it was conducive or not to the interest of the landlord in respect to the cultivation of the soil. Another improvement which this Bill would effect, would be to save much trouble to a person who claimed the right to be on the register. At present a claimant must substantiate his claim before the revising barrister; but under this Bill he would have nothing to do but send his claim to the baronial constable, who would afterwards send it to the clerk of the peace, and, if not objected to, would be allowed without any trouble, inconvenience, or expense being imposed upon the claimant; precisely, indeed, as the law existed now in England. He was speaking of country voters. In towns there could be no inconvenience from going from one street to another. The hon. Member for Montrose had asked whether this Bill would be satisfactory to the people of Ireland. He could not answer that question. Means might be taken to excite discontent with its provisions; but if the hon. Member would take pains to examine the question, he would find not indeed that the constituency in Ireland was as large, in proportion to the population, as it was in England; the principle, that the constituency should be in proportion to the population, had never been adopted. The utmost length to which the principle had been carried was to take population and property combined. That was the principle of the Reform Bill. But to take the principle of population only had never been adopted by any British statesman. But, the hon. Member would find that the franchise in Ireland was placed upon a wider and a more extended basis than in England or Scotland. The short-coming—the difference of the number—was owing to a difference of the distribution of property in the two countries. If they introduced a different proportion of votes in Ireland, they must go lower down in the scale of value to constitute the qualification for counties. In order to give the same proportion of the population the franchise in Ireland as in England, they must give every *5l.* rate-payer in the county the franchise, irrespective of tenure altogether. The right hon. Gentleman the Member for Waterford had adverted to the different qualifications in the municipal boroughs in England and in Ireland. If it was the fact that qualification existed in England that did not exist in Ireland, so, on the other hand, there were qualifications in towns in Ireland which did not exist in England. For instance, in the English towns there was no qualification arising out of a leasehold estate; but in Ireland there was, and the man who possessed it was not obliged to pay rates in order to complete his right to vote. The noble Lord (Lord John Russell) had asked what would be the effect of the measure in regard to the Bill of last session, which conferred the right of voting on persons occupying *8l.* tenements in the larger towns, and *4l.* in the smaller. The 34th section of the 3rd and 4th of Victoria enacted that an occupier might claim to be rated, whether he was liable to be rated or not; and the act of last session did not take away that right. With regard to what had been stated by the honorable Member for Kerry (Mr. M. J. O'Connell) on the subject of the administration of the oath at the poll, it was provided that only one oath should be taken by the voter, and only two questions be put to him, viz. Are you the person described in the register, and have you already voted? He (Lord Eliot) could not conceive that a quicker mode than this could be suggested. If, indeed, there was occasion to translate the oath into Irish, the polling could not very well proceed so rapidly as in England. With regard to what had been said respecting the occupative qualification, he need only refer to the speech of the noble Lord, the Member for Sunderland. He had given a complete answer to the allegations made as to the dependence on their landlords of tenants-at-will. He agreed with that noble Lord in thinking that a landlord could not more easily coerce a tenant-at-will than one with a lease. To eject, in fact, is more difficult than to distrain; and few tenants in Ireland are not more or less in arrears. He was not aware that there were any more points that required any particular reply on the present occasion.

Leave given to bring in the Bill; as was also leave to bring in a Bill to alter the Qualification of Burgesses in Municipal Corporations, and of Voters in the Election of Municipal Commissioners in Ireland.

JUDGE OF THE PRIVY COUNCIL.] On the question that the House resolve itself into a Committee of Supply,

Lord *John Russell* said, in pursuance of notice, I wish to put a question to the right hon. Baronet with respect to a Bill now in the other House of Parliament. If I expected that that Measure would come down to us in any reasonable time I should be disposed to reserve anything I have to say upon it until then; and even now I do not propose to enter into a discussion of the question whether or not there should be a head of the Judicial Committee of the Privy Council receiving a salary and holding his situation as a permanent office. That is a point on which different persons and different Governments may entertain different opinions. Lord Cottenham, when he was in office, had an opportunity of considering the subject, when he prepared a Bill to add two Judges in the Court of Chancery. He thought it was not expedient that there should be any such permanent head; and that opinion, which he stated to me at the time, he has repeated since he has been out of office. I am aware that another Chancellor and another Government may think it expedient to add to the Judicial Establishment of the country by making a permanent head to that Committee; but what I have to remark is, that with regard to all the great Judicial appointments of the country, especially, I should say, with regard to that part which forms a branch of the Privy Council of the Sovereign, it is expedient that the Crown should originate and state to Parliament its views upon the fitness of any increase or addition. It appears by the Minutes of the House of Lords that a Bill was introduced by Lord Brougham and Vaux, on the 4th of March, for the appointment of a head of the Judicial Committeee with a salary of 2,000*l.* a-year, and of two inferior Judges with salaries of 1,500*l.* and 1,200*l.* a-year respectively. We find by the same minutes that the Bill was referred to a Select Committee consisting of thirty Members, and since then we have heard nothing of the fate of the Bill. It might, therefore, happen that after a great deal of evidence, there being a quantity of other matter added, on which I do not mean to touch, the Bill in all its complicated details might not come before this House until near the close of this Session, when the attention of Members begins to flag, and they may be unwilling to continue in town. On this account I wish to know decidedly, in the first place, the opinion of the Government, and of the head of the Government, whether it be expedient that there should be a Judge with such a salary placed permanently at the head of the Privy Council, and whether it is their intention to introduce and support the Bill for that purpose in the present Session? In the next place, I wish to call the attention of the right hon. Gentleman, and of the House, to a very extraordinary statement, which I think the right hon. Baronet will himself be happy to contradict. It is said that a very eminent person some time ago received an offer, no less than three times repeated, to place him at the head of the Judicial Committee of the Privy Council as a permanent Judge. It being, as stated, entirely within the competence and discretion of Government to make up their minds whether such an officer was wanted, it would seem that the more wise and usual course would be, if they decided that a Judge was necessary, to introduce their own Bill; and it would seem a still more wise and usual course that they should carry their Bill through Parliament, and allow it to receive the Royal Assent, before an offer was made to any individual to place him at the head of the Judicial Committee of the Privy Council. It certainly seems a most extraordinary course, not to call it a suspicious course, to propose to a single individual, however eminent, that he should accept such an appointment, there being at that time no office of the kind in existence. It is rumoured that the individual in question declined the proposal three several times, and that the Government then gave up their intention of making this addition to the judicial force of the country. If the business of the Judicial Committee of the Privy Council, which Lord Cottenham thought did not require more than the attendance of the Master of the Rolls, and upon the arrears of which business a return of *nil* has been made, did, in the opinion of the present Government, require the addition of new permanent Judges, let them state the general grounds of that opinion, and upon those grounds let the question be decided; but it cannot be in any respect right that the whole question should depend upon the point whether a particular individual is ready to accept the appointment. If the Government considered it right to create the office, and to offer it to an individual, still, when it was refused, one would have supposed that they would themselves, either in this House, where the salary can be properly fixed; or in the other House, where, I admit, it is very proper that they should entertain a question for supplying the deficiency in the judicial establishment of the country, introduce and carry forward their Bill, although the individual they had selected as most fit were not ready to undertake the office. As the matter stands now, here is a Bill which may remain hanging on till the end of the Session, and in the meantime we are not aware whether Her Majesty's Government do or do not think proper to make the addition. My questions are therefore two—first, whether there is any intention to introduce and support with all the influence of an united Government a Bill for making this addition? And, secondly, whether there is any foundation whatever for the statement that the office has been already offered and refused, and that the intention to create such an office was subsequently dropped?

Sir *R. Peel*: As to the Bill which the noble Lord states is under the consideration of the House of Lords, I think it will be quite sufficient to say, that if that Bill should be sent down to this House—that is to say, a Bill which, I apprehend, contemplates the removal from the House of Lords of the jurisdiction in matters of divorce and the appointment of a Vice-President of the Privy Council, with a salary, and two other Judges also with salaries—if that Bill be sent down for the consideration of this House, it is quite sufficient for me to state that I have as unfettered a right to exercise a discretion with respect to it as the noble Lord himself. That Bill has been referred to a Committee, and it embraces several important matters. What view the Committee may take of the policy of creating three new Judges, and of removing from the House of Lords the jurisdiction in divorce *à vinculo matrimonii*, it is impossible to decide, but I repeat that I am in a condition to exercise as free and unfettered judgment as the noble Lord. The noble Lord may be assured that if the Bill did come down under the sancion of Government—if Government thought fit to take that course—the opinion of this House should not be asked upon it at any period when it could not receive the fairest consideration; but I am entirely at liberty to exercise my own discretion as to the policy of supporting this Bill. I believe it has been felt that it would be of great advantage if there were a Judge of the Privy Council permanently presiding over its judicial proceedings, but that appointment might take place without the addition of any salary. The noble Lord seems to think that no such appointment is necessary; but I may remind him that in 1836 Lord Cottenham brought in a Bill, the object of which was to separate the judicial powers of the Lord Chancellor: I mean the strictly judicial and original jurisdiction from the functions of Lord Chancellor as a Judge of Appeal. [Lord *J. Russell*: He did not propose to appoint a new permanent President of the Privy Council with a salary.] Lord Cottenham proposed the appointment of a Judge in the Privy Council who should preside over a Court of Appeal, and he stated his reasons why he thought such an appointment ought to be made. I may remind the noble Lord of an opinion then given by Lord Cottenham, not in respect to the jurisdiction in appeal of the Privy Council, but as to the fitness of dividing the functions of Lord Chancellor; his Lordship observed:—

> "There is another part of the jurisdiction of this country which is nearly connected with the appellate jurisdiction of this House, and to which I wish to call the attention of your Lordships — I mean the jurisdiction of the Privy Council in matters of appeal. Not only has the Privy Council to discharge all that business which peculiarly belongs to it, arising from the Colonies, but, by a modern Act of Parliament, all the important functions of the House of Delegates. Various other duties are also imposed on it by modern Acts of Parliament. It appears to me, that by some modification of the existing system, it might be made as good a tribunal for discharging these important functions as could be devised. The Bill establishing the Judicial Committee of the Privy Council had this defect—it did not make it the duty of any one individual to superintend and watch over the judicial business of that Court. There were numerous individuals who constituted the Members of the Judicial Committee, and there was no one whose duty it was to attend to it, or who was answerable for the proper performance of the duties. The consequence was, that that high tribunal has been open to the great inconvenience of a change from time to time, even from day to day, of the officers who attended to administer justice there."

His Lordship then states very fully the inconvenience arising from merely voluntary attendance, which frequently led to a change of individuals presiding, and that opinion has also been entertained for several years past by the present Lord Chancellor. I believe that Lord Cottenham contemplated the appointment of the Master of the Rolls to perform the duties. I can only say that any proposal made to a noble and learned Lord, to which the noble Lord opposite has adverted, did not contemplate the annexation of any salary to the office. It was expected that the noble and learned Lord, who devotes so large a portion of his time, to the great advantage of the public, to the performance of his judicial duties, would have undertaken the situation of permanent Judge of the Privy Council without a salary. I believe that the offer was made under the impression that the Crown had the power to constitute a Judge of that nature of its own authority, only applying to Parliament in case of the annexation of some emolument to the office. The noble and learned Lord thought at that time that the business of the Privy Council required no such addition, and, though perfectly willing to give his time, he urged an objection to the constitution of such a Judge. Circumstances afterwards occurred which induced him to take up the subject, and he proposed a legislative enactment to effect his object. The Bill so proposed is his own Measure; it originated with him, and I believe it is supported by several of the highest legal authorities. The noble Lord must not conclude, because it has been referred to a Committee, that it is a Government Measure, or a Measure upon which Government will not exercise its discretion.

Mr. *Redhead Yorke*: I think that the noble Lord has exercised a most important and creditable duty to the public by putting his questions to the right hon. Baronet; and as the noble Lord has taken up the subject, it will not be in good keeping for me to interpose. I am the last to interfere with any person more competent; but, as I understand the Bill before the House of Lords, it is so utterly unpardonable and indefensible a job, that if no better opponent be found to it, I solemnly pledge myself, if it comes to this House, as I believe it will not, to use every possible means the forms of this House will permit to prevent the infliction of such a disgrace upon the annals of our Legislation.

SUPPLY — CIVIL CONTINGENCIES.] House in Committee of Supply.

Sir *George Clerk* brought forward the Estimates for Civil Contingencies, and briefly stated, that, in consequence of the removal of the extra expences of British Ministers at Foreign Courts, he was enabled to ask for a considerably smaller Vote this year than last. The sum usually granted had been 130,000*l.* Last year the sum voted was 120,000*l.* out of which 10,000*l.* remained in hand, so the Resolution this year would only be for the sum of 100,000*l.* He concluded by moving that 100,000*l.* be granted for Civil Contingencies.

Mr. *W. Williams* complained of the heavy expences of our embassy at Constantinople, which amounted to 15,800*l.* Besides the Consular Establishments, the Embassies were an expense to this country, which were of no use whatever. The sum paid for an Embassy to the King of Hanover ought to be paid out of the 21,000*l.* a-year allowed to him. He objected to the expense incurred in the conveyance of foreign Princes totally unconnected with us in our ships of war. There was also a very singular charge which ought not to appear in these estimates; it was the amount of the bill of costs of Messrs. Vizard and Leman, solicitors for defending two actions against Lord Brougham when Lord High Chancellor, brought against him by Mr. Dicas, 77*l.* He thought if the Lord Chancellor rendered himself liable to such an action the public ought not to pay for it. He also wished to call attention to the very heavy charges for sending out Governors to some of our petty Colonies. There was the monstrous sum of 800*l.* expended in sending out a Governor to our petty Colony of New Zealand, independent of his salary. The whole population was not above 5,000. Then there was the amount of 1,202*l.* expended for robes and collars, badges, &c., for knights of the several orders, and 1,152*l.* for new badges of the order of the Bath, and for repairing old ones. He thought those who received these orders, and were fond of them, ought to pay for them. He thought the charge of 2,200*l.* for the funeral expenses of the Duke of Susssx ought not to be made. He objected to the expense incurred in the conveyance of Colonial Bishops; for instance, there was the expense of 210*l.* incurred in the conveyance of the Bishop of Gibraltar and suite during a passage from Gibraltar to Athens and Constantinople, and back, on board Her Majesty's steam vessel Devastation. He objected to the item of 1,322*l.*, paid to the Bishop of Chester for preachers in Lancashire for eleven and a half years, from the fifth of April, 1832, to the tenth of October, 1843. It appeared that this was an ancient donation of the Crown, commencing with the period of Queen Elizabeth, and it had been paid out of the funds of the Duchy of Lancaster. ["No."] He would give an authority for it. In 1833, this vote had been disputed, and it was contended that if paid, it ought to be paid out of the funds of the Duchy of Lancaster, and the question had been referred to a Committee of the House, and in consequence of the Report of that Committee the House had refused to pay that sum. The amount ought to be borne by the Ecclesiastical Corporations fund, if it were wished to be withdrawn from the Duchy of Lancaster, and ought not to be paid by the public. In page 14 there was another singular charge, "the amount paid for watering Park-gate-street, Dublin, during the Summers of 1841 and 1842, 68*l.* 17*s.* 2*d.*" He thought it an extraordinary charge on the public taxes of the country for watering a street in Dublin. He had seen many strange charges, but never saw one like this. There was a sum of 400*l.* paid to the College of St. David, in Wales; he did not complain of this item, he was only sorry it was not larger. The funds of the College were inadequate and insufficient for the proper education of the clergy of South Wales. The House was aware of the state of the Church in that part of the country—that, in point of fact, it was despoiled of great part of its property. Pretty near the whole of the property of the Church was now in the hands of lay impropriators, the Church deriving no advantage from it. Vast wealth had been taken from the Church in South

Wales, and was held by persons who were strangers to the country, and who rendered no service whatever in promoting the welfare of the Church. He had seen a statement made in those most admirably written letters of *The Times*' correspondent in Wales, in which that Gentleman had pointed out facts which he (Mr. Williams) had verified, from which it appeared that in fifteen parishes in the neighbourhood of this College the whole of the tithes were in the hands of one lay impropriator. This gentleman drew 6,000*l.* a year from the tithes of these fifteen parishes. These fifteen parishes were served by twenty-one clergymen, who had but about 70*l.* a year each, whilst this lay impropriator took 400*l.* a-year from each of them. He mentioned this fact in order to show that the Church having been despoiled of its property, there was not sufficient inducement to send young men to the colleges of Oxford and Cambridge to be educated for the Church, and therefore, those who were to be educated for the Church resorted to this college; and if a larger sum were granted for its use it would confer on a large part of that country most important benefits. The two richly endowed Universities of Oxford and Cambridge received annually 2,000*l.* from the public funds. The six Colleges and Universities in Scotland received 7,080*l.* a-year. The Colleges and Academies in Ireland 12,000*l.* The London University received last year, 4,548*l.* He hoped Her Majesty's Government would take this question into consideration; the Government would confer the greatest possible benefit on the Church of that part of the country by increasing this grant.

Dr. *Bowring* objected to the payment made to dragomans in Turkey for translations. Our own resident consuls ought to be efficient persons to do that duty.

Sir *G. Clerk* said, that Englishmen were being instructed in the Turkish language in Turkey, in order to take the place of these foreigners, and he had no doubt but that very great advantages would arise from having persons appointed to this office who had an interest in this country. He thought that the accommodation of passages in our ships of war ought to be afforded to foreign princes as an act of courtesy. He trusted that the Committee would not, in order to save so paltry a sum as was usually comprehended in this item, consent to discontinue its courtesy to foreigners of distinction. With regard to the passage of Colonial Governors to their respective seats of Government, it was necessary, as their salaries were usually small, either to give them a passage out, or such a sum of money as would enable them to obtain a passage for themselves and their suite. With regard to the expenses of the Imaum of Muscat, it was probably known that that personage on his visit to this country, was intrusted with some valuable presents for Her Majesty, and he was also detained here a long time. Sir C. Forbes undertook to manage the Imaum's expenses, and the item was, in his opinion, by no means extravagant. With regard to Messrs. Vizard and Leman's bill of costs, he should state that Mr. Dicas brought several actions against Lord Brougham for orders which he had made in his official capacity; in every case Mr. Dicas was defeated, and ultimately died insolvent. Lord Brougham then made application to the Treasury to have expenses allowed him for defending himself in his official capacity against improper attacks, and it was thought that the application was a reasonable one. With respect to the charge of 1,322*l.* to the Bishop of Chester for the payment of preachers in Lancashire for eleven and a-half years—the right hon. Gentleman explained, that in the reign of Elizabeth a grant of 200*l.* per annum was made to the Bishop of Chester for the payment of four preachers in the county of Lancaster; that grant had been perpetuated, and the payment was not chargeable upon the Duchy of Lancaster.

Sir *C. Napier* alluded to the item of 10,500*l.* for Sir H. Pottinger's mission to China, and he did so because it had been currently rumoured that some misunderstanding had taken place between Sir W. Parker, the naval commander, and Sir H. Pottinger, the military commander, in consequence of neither being willing to acknowledge the other as supeirior in command. Perhaps the noble Lord opposite, the Secretary for the Colonies, would be good enough to state whether there was any foundation for the rumour. He was quite satisfied with the explanation which had been given in reference to the entertainment of foreigners of distinction on board a man-of-war; it would be highly unbecoming that the commander of a man-of-war should have to present his Bill like a tavern-keeper to such persons, after entertaining them. He did not, however, at all approve of sending men-of-war to convey colonial governors to their destinations, when they could proceed much more speedily, and with less expence, by mail-steamers or other conveyances. There was, for example, the case of Sir R. Wilson, who was sent out to Gibraltar. There was a packet elegantly fitted up started for Gibraltar once a fortnight. Why that Gentleman could not have gone to Gibraltar with his suite by one of those packets instead of the Government employing a 50-gun frigate to convey him, he could not conceive.

Lord *Stanley* said, that no class of persons suffered such great losses from the expence of going out to take possession of their commands as Governors sent out to Her Majesty's Colonies. When foreign Ministers were sent out it was customary to grant them an outfit. Governors received no outfit, and they burthened themselves with a debt in providing their outfit which required several years' salary to liquidate. There was a certain fixed rate allowed for the purpose of transporting themselves and their families to their various seats of government, and they had a right to demand that sum to cover the expence of their passage. Sir R. Wilson was entitled to the sum of 200*l.* for conveying himself and his family to Gibraltar, and Sir A. Woodford was entitled to the same sum for his passage home. The vessel that took Sir R. Wilson to Gibraltar was lying at Plymouth, and might just as well have been engaged in its passage to Gibraltar as lying useless at Plymouth. The Warspite took out one Governor and brought home another, and the expence for conveying Sir R. Wilson was only 91*l.* 10*s.* In fact, both the voyages were performed for less than either of those gentlemen was entitled to. He, however, would ask the Committee, even if the expence were somewhat increased, whether a certain amount of consideration was not derived from the fact of a Governor going out to take the command of an important fortress in a vessel of war, and arriving at his destination under the British flag.

Mr. *Hume* directed the attention of the Committee to two items; one of 439*l.* 3*s.* 4*d.*, for fees paid to the officers of the Order of the Garter upon the installation of His Majesty the King of Prussia as Knight Companion; and the other of 821*l.* 13*s.* 4*d.*, for fees paid to the officers of the Order of the Bath, upon the nomination of Vice-Admiral Sir W. Parker, Major-General Sir H. Pottinger, Major-General Sir G. Pollock, Major-General Sir W. Nott, and Major-General Sir C. Napier, to be Knights Grand Crosses of the Bath. He remembered that when Admiral Codrington was applied to for fees for the honour conferred upon him, he told the applicants to go to those who gave it to him, for he had never asked for it. If the Queen chose to confer an honour on the King of Prussia she ought to do so at her own expence. He protested against the tax levied upon the country by means of these fees, for rewarding meritorious officers for great public services. The honours ought to be conferred upon them free of charge. If fools wanted honours, they should be made to pay for them. These fees ought to be abolished. Let him have a Committee composed of Members from both sides of the House, and he would convince them that these fees or these officers ought to be abolished. He did not care if he had a majority of Tory Members, for though in the lump he would not say much for them, individually he thought them as good as other Members. He saw a sum of 42*l.* 10*s.* charged for medicines applied to the sick poor in the Scilly Islands; who was the proprietors of the Scilly Islands? He saw another improper charge of 368*l.* 12*s.* 2*d.* for bringing silver coin from Ireland to the Bank of England. Great inconvenience had arisen in consequence of the Measures taken with regard to the gold coinage, and the Bank of England was quite unable to remedy that inconvenience. Bankers were compelled to buy silver from tollkeepers and others in the neighbourhood of the metropolis. He was at a banking-house upon one occasion when the scarcity of silver was productive of great inconvenience, and he asked, "Why do you not apply to the Government." The reply was, "We have; but the Government has done nothing to help us." The Mint might have coined four times as much as they did to meet the demand, but they went on upon their old jog-trot system. He thought the Master of the Mint, or the Chancellor of the Exchequer, ought to pay this item. Before he sat down, he must say, that the present was the best estimate he had seen since he had been in the House for many years.

Sir *C. Napier* wished to know, with reference to the charge of 10,505*l.* on account of Sir H. Pottinger's special mission to China, whether the report was true, that a misunderstanding had arisen between Sir H. Pottinger and the naval and military authorities on the China station?

Lord *Stanley* said, that Sir H. Pottinger and the naval and military officers on the Chinese station, acted under orders from the Foreign, not the Colonial Office; but he had no hesitation in stating, that the general instructions sent out were, that the naval and military officers should, in the anomalous position of affairs in China, render Sir H. Pottinger, as Civil Governor of Hong Kong and Minister Plenipotentiary, every assistance to carry the operations with which he was charged into effect, And, notwithstanding some difference of opinion between those hon. and gallant Officers, as to the strict letter of right under which the one was entitled to call for, and the others to render the service required, yet during the whole of the negotiations, no difference whatever existed between them which, for a moment, interfered with their cordial co-operation in discharging their respective duties.

Colonel *Sibthorp* wanted to know what were the duties, and what was the pay, of our ambassador at Madrid? Why was Mr. H. L. Bulwer, of all men in the world, appointed to such a post? Did the right hon. Baronet think there was no one on that side of the House fit to discharge the duties he had committed to a political opponent? He wanted to know why this preference was given. He did want to know why a Conservative was overlooked for a Radical?

Sir *R. Peel* with all respect for his hon. Friend, must decline to answer the question. No one was more disposed to admit than he was the claims of party, but they ought not to interfere with professional qualifications and aptitude for the public service, nor ought the reward of tried services be forfeited in consequence of any particular political opinions.

Vote agreed to.

On the question that a sum of 112,190*l.* be granted for the expenses of Works and repairs of Public Buildings,

Mr. *W. Williams* objected to so large a sum being expended on royal palaces and parks, at the discretion of the Woods and Forests. Last year he stated that the expenditure for royal palaces and parks during the five years preceding had been, on an average, 120,000*l.* a year. The noble Lord the First Commissioner of the Woods and Forests, questioned the accuracy of that statement, and said he believed it was not more than 60,000*l.* a year. In consequence of that he moved for a return, and from that he found that in 1838, the sum expended on royal palaces and parks was 89,000*l.*; in 1839, 98,000*l.*; in 1840, 135,000*l.*; in 1841; 143,000*l.*; in 1842, 151,000*l.*; but in addition to that there had been an omission. A sum of 38,900*l.*, for the purchase of houses near Buckingham Palace, had been omitted. Adding that to the former sums, it made the expenditure, during the five years, 686,000*l.*, or an average, not of 120,000*l.*, but of 137,000*l.* a year. He perceived that there was a charge for Marlborough House in this Return, and he certainly thought that as Queen Adelaide was receiving 100,000*l.* a year of public money, she might defray this expense herself.

The Earl of *Lincoln* was not prepared to answer all the observations of the hon. Gentleman in detail, but he believed they were almost precisely similar to the statements he made last year. The hon. Gentleman had commented on the expense of the parks to the public, and had said that if they were exclusively for the use and enjoyment of Her Majesty, he should not so much grudge the expense. He was surprised to hear from the hon. Gentleman an observation to the effect that he disapproved of an expenditure for the benefit of the public, for such was the case as regarded the parks. He was also surprised to hear the hon. Gentleman express an opinion to the effect, that there were too many of the parks. He was sure that the hon. Member for Montrose did not concur in that opinion: for the hon. Member for Montrose, so far from thinking that there were too many parks, was of opinion that fresh ones ought to be provided in various parts of the town. [Mr. *Williams* had referred to the palaces.] With the exception of Windsor and Buckingham Palaces, the royal palaces were also appropriated to the public. Though a few parties were allowed to reside at Hampton Palace, yet that palace was open for the benefit of the public, and he appealed to the House, whether the apartments there allotted to individuals, were not granted by Her Majesty with the kindest feelings, for the purpose of giving accommodation to widows and others left destitute and unprovided for? All the parties having apartments kept them at their own expense, and the money otherwise expended was spent in maintaining the general building. With regard to Marlborough House, the only sum the public was called on to pay for this year, was 100*l.* He saw an hon. Gentleman opposite (Mr. Ewart,) who, he believed, would be glad to receive some information about Richmond Park. If the hon. Gentleman rode down there, he would not only obtain ready admittance, but would find boards affixed to the gates, or, if not affixed at the present moment, they would be shortly, announcing that that park would be open to the public under the same regulations, and for the same hours as the other parks in the metropolis. In justice, to Lord Sidmouth, he must say, he took upon himself the whole responsibility of not making these regulations earlier. Considering the age of Lord Sidmouth, he did not feel justified in interfering with those regulations which that noble Lord had exercised with the kindest spirit, and with the view of giving accommodation where he thought he could properly do so. On the death of that noble Lord, he submitted to Her Majesty the expediency of opening that park to the public, like the other parks. Her Majesty at once signified her assent, and the suggestion was also readily acquiesced in by the Duke of Cambridge.

Mr. *Ewart* thanked the noble Lord, in the name of the public, for his having thrown open Richmond Park, and should be ever ready to acknowledge similar concessions.

The Vote was agreed to, as were some other Votes.

Church Temporalities (Ireland).] Mr. *French* rose to move for leave to bring in a Bill to amend the law relating to the Church Temporalities in Ireland according to the notice he had given. At that late hour he should not trespass on the House with any lengthened statement. The Measure he sought to bring under their consideration had been sent him by an influential body of the Church tenants in Ireland, with an intimation that the provisions contained in it were not likely to be objected to by the Ecclesiastical Commissioners. The House was aware that by the 3d and 4th William IV., c. 37—an Act brought in by the noble Lord, at present Secretary for the Colonies—the number of Bishops in Ireland were prospectively reduced, and their properties, as they died off, vested in the Ecclesiastical Commissioners, who were empowered to grant to the Church tenants, on certain conditions, a perpetuity in their holdings; these conditions were, subjecting themselves to an annual rent, equal to the rent and renewal fine paid by them on the average of the last preceding seven years, and the payment of a sum of money equal to about three years of their beneficial interests. The Church tenants had availed themselves of these provisions to a great extent—converted their leasehold into perpetuity, and paid, as purchase money, upwards of a million of money to the Commissioners. The lands thus granted in perpetuity were subject, therefore, to an annual rent equal to one-fifth of the beneficial interest vested in, and payable quarterly to the Commissioners, who had no power, no matter what price the tenant might be willing to pay for it, to dispose of this head-rent. The object of the present Bill, was to give them such a power: it was merely permission to empower them to sell the chiefages vested in themselves, at the highest rate of purchase they could obtain—subject, however, to the approval of the Lord Lieutenant in Council, and to vest the sums of money so obtained in fee simple lands for the same uses and purposes as the head-rents were applicable. This change was desirable for the Ecclesiastical Commissioners, as by it their income, now insufficient, would be much increased. Originally their annual charges were calculated at 70,000*l.* a year. A return lately laid before the House showed that this estimate was much too low, as their present expenses amounted to 97,000*l.* annually, and they report from the limited state of their funds, they had been obliged to postpone several cases of rebuilding and enlargement of Churches of a very urgent nature. Independent of perpetuity sales, their income was 27,000*l.* a year short of this expenditure. The Commissioners owed to the Board of Works, 60,000*l.*, which it was most desirable should be paid off. It would be the interests of the tenants to purchase these chiefages, even should they pay fancy prices for them. They would then, with perfect security, be enabled to spend their capital on the improvement of these estates hitherto so neglected. The Law professed, in express terms, to grant them the fee simple and inheritance of their lands. For this they had paid large sums of money, and this they had not got. A fee-farm grant, subject to a rent of one-fifth of the estimated value of the lands, had been conveyed to them, for the non-payment of which, they were, by the Clauses of the 3d and 4th William IV., c. 37, liable to ejectment, in which case, the large sums paid for the miscalled fee simple and inheritance of the lands, would be lost to their families. Under this Bill the value of Church property would not be diminished, nor its security impaired; and he could not anticipate any fair or reasonable objection to its introduction. Let it be printed, and submitted, during the recess, to the consideration of the Ecclesiastical Commissioners and the heads of the Churches, on consultation with whom, he trusted Her Majesty's Government would decide on offering no opposition to a Measure from which much benefit and no evil could result. Mr. French explained the tithe-rent charges related merely to those parishes which, from divine service not having been performed in them for several years, had become vested in the Commissioners, and concluded by moving for leave to bring in the Bill.

Lord *Eliot* had great doubt as to the expediency of the Bill; but upon the understanding that by consenting to its introduction, the Government was not to be considered as expressing any opinion in its favour, he should offer no opposition.

Mr. *Shaw* had great objection to the Bill being read a first time at that late hour, and in the absence of the right hon. the Home Secretary.

Mr. *F. French*, said he believed there was no objection to the introduction of the Bill on the part of the right hon. the Home Secretary.

Leave given to bring in the Bill.

House resumed. Resolution to be reported. Committee to sit again.

House Adjourned at one o'clock.

HOUSE OF LORDS,

Tuesday, April 2, 1844.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Forestalling, Regrating, and Engrossing; Bail in Error; Edinburgh Poor Assessment
$3^{a.}$ and passed:—Dean Forest Encroachments; International Copyright.
Received the Royal Assent.—Mutiny; Marine Mutiny; Indemnity.
Private—$2^{a.}$ Brandes Burton Inclosure.
Reported.—Severn Navigation; Great Western Railway.
$3^{a.}$ and passed:—Edinburgh Cattle Market; Rochdale Gas.
Received the Royal Assent.—Ribble Navigation; Bury (Huntingdonshire) Inclosure; Ramsey Inclosure.

PETITIONS PRESENTED. By the Earl of Roseberry, from Birkinhead and Manchester, against the Dissenters Chapels Bill.—By Lord Lorton, from Hepworth, and from Poslingford, and 3 other places, against any further Grant to Maynooth, or Payment of Romish Priesthood by the State.—By Lord Campbell, from Portaferry, in favour of the Presbyterian and Dissenters Marriages (Ireland) Bill.—By the Marquess of Bute, from Glasgow, and other places, in favour, and by the Marquess of Lansdowne, from Paisley and Greenock, against, the present Laws respecting Scotch Universities.

RESTRICTIONS ON TRADE.] Lord *Monteagle* brought in a Bill to repeal certain Laws now upon the statute-book but obsolete in practice, though liable to be brought into mischievous operation at any time, restricting the purchase and sale of goods, which restrictions were opposed to the spirit of modern legislation, and if carried into effect would interfere with almost every operation of trade. In Ireland, none of these Acts had been repealed, and his object was to make the law similar to that in England, and also to improve the latter. This was only pursuing the same course which had been long since recommended in the House of Commons.

Bill read a first time.

CRIMINAL APPEALS.] Lord *Campbell* rose to present to their Lordships a Bill of some importance as connected with the administration of justice, which had been prepared, not by himself, but by an hon. Friend in the other House of Parliament, where it was intended to have been brought in, but as it affected the judicial jurisdiction of their Lordships, it was found that in the House of Lords only could it properly be introduced. The object of the Bill was to remove a great objection which, as the law now stood, might be taken against the administration of justice in this country respecting Appeals and Writs of Error. Their Lordships would be aware that the right of Appeal was given both in civil and criminal cases; respecting the decision in an Appeal in one of the latter class of cases, he had that night presented a petition in which the Appeal had been against a conviction for bigamy. In civil cases the parties prosecuting the Appeal entered into recognizances of double the amount in dispute, and the execution of the judgment was suspended until the decision on the Writ of Error was given. There was, consequently, in civil cases, no difficulty. But in criminal cases much doubt existed as to what should be done with the party convicted while the Appeal was pending—that was, whether or not the sentence should be carried into effect pending the Appeal. As an instance of the inconvenience and injustice which might be inflicted by carrying the sentence into effect, notwithstanding an Appeal against the conviction, suppose the case of a man sentenced to transportation, he might be sent abroad before the Appeal was decided, though it might be ultimately found that the conviction was wrong, and the party undeserving of punishment; while on the other hand, if the sentence were unconditionally suspended until the superior court had decided, every criminal would appeal in the hope of delaying or escaping the punishment due to his offence. To remedy this, the Bill he was about to submit provided that upon the defendant giving security to the satisfaction of the Court, and in such sum as the Court might direct, that any fine that might be imposed should be paid, and that the defendant should be forthcoming to undergo any sentence which might be pronounced upon him, that sentence should be suspended until the Court of Appeal should have decided upon the merits of the case. He did not propose that this alteration in the law should be retrospective, and therefore he had inserted a Clause providing that the Bill should not come into operation until the 1st of August next.

Bill read a first time.

FEES TO JUSTICES' CLERKS, &c.] The Marquess of *Lansdowne* moved for a return from each of the Clerks of the Peace at the several Assizes in England and Wales, of the amount of the Fees received by him during each of the last three years ending the 31st of December, 1842;—his object being to bring before their Lordships a tabular statement of those fees in continuation of those returns which had been already ordered in respect to the fees taken by the Clerks of the Magistrates. He would take that opportunity of stating, that having seen the partial returns which had been laid before the other House upon this subject, his opinion was confirmed that this was a case requiring legislative interference—and legislative interference under the authority and sanction of the Government. From all the information he had obtained he was persuaded that there existed two or three classes of poor persons on whom the system, as it prevailed in regard to these fees, pressed most severely and unjustly, and whose case called for redress. In the first place, there were those poor persons, who, though guilty of small offences, were, by the practical effect of that system, subjected to a punishment out of all proportion to the offence committed; then there were those persons who were charged with those small offences, but were acquitted; and then, though declared to be guilty of no crime, were nevertheless punished by being taxed with certain fees; then again, there were those persons, who, in the protection of their own property, found it necessary to prosecute, and then, though prosecuting justly, were yet subjected themselves to punishment in the shape of pecuniary demands made upon them, and which they were compelled to pay. In regard to the first class of persons, those who were convicted and sentenced to pay such fines, this was a matter which pressed most heavily upon them, because the costs which they were called upon to pay also amounted in many cases to twenty or thirty times the amount of the fine. For instance, in one case a man had been fined 1*s*., and the costs were 22*s*. 6*d*. Thus, as he had stated, there was no proportion between the crime and the punishment to which the unfortunate culprit was subjected. On the other hand, the charge to which the prosecutor was liable deterred him in many cases from prosecuting the offender. A clergyman had informed him that in one case, in which a farmer had prosecuted a party for stealing some trifling articles of garden produce, he had been mulcted in the sum of 18*s*. as fees; and the consequence had been, that in that parish no one would now prosecute, and a system of lawlessness, resulting from the impunity with which these crimes could be committed, prevailed. He was sure this was a question in which all their Lordships would feel a deep interest; and he thought, in addition to the Motion he made, considering the subject had been noticed both in that and the other House of Parliament, and had attracted the attention of the right hon. the Home Secretary, it was not too much to ask the noble Duke (the Duke of Wellington) now to state whether the Government had any intention to do that which no private Member of either House could do so effectually —viz., to introduce some measure of legislation to remedy the evil?

The Duke of *Wellington* replied, that his attention having been called to the subject, he had consulted with his noble Friend as to the course to be adopted, and his noble Friend, admitting fully its importance, had turned his attention to it, and had now under consideration measures for remedying the grievance complained of in regard to the fees paid to the Clerks of the Peace, Clerks of Assize, and Clerks to the Magistrates at petty sessions. It was intended to submit those measures to Parliament during the present Session. He could not now state at what time, but he assured their Lordships that it should be at the earliest opportunity.

Lord *Wharncliffe* was informed upon good authority that the fees which had been referred to did not go wholly to the Magistrates' Clerks, but were generally appropriated to defraying the incidental expenses of the trial, such as paying witnesses and constables, so that very often only a very small amount of the fees reached the Clerk of the Peace.

Lord *Beaumont* said, it was a mistake to suppose that the whole of the fees went to the Magistrates' Clerks. They received a very small proportion of them, the rest going towards the necessary expenses.

Lord *Redesdale* said, there was another erroneous impression which he was anxious to correct. It was mentioned as the gist of the complaint that a small fine, as of 1*s*., did carry large costs, the fact being that the Magistrates in inflicting such a small fine upon a poor man did so in consideration of the amount of costs; whereas, if the defendant had been a public company or a richer party, the fine inflicted would have been much higher.

The Marquess of *Lansdowne* observed, that the Magistrates could not always tell beforehand what the costs would be.

Lord *Colchester* said, that he considered it the duty of a Magistrate to inquire what the costs would be, and that such was the practice at the Sessions which he attended. Besides, in many cases the Act of Parliament provided that the fine and costs should not together exceed a certain amount.

Lord *Campbell* said, that as the subject was about to be taken into consideration by Her Majesty's Government, there was one point upon which he hoped they would take care to make provision, namely, that the amount of fees should not depend upon the length of the proceedings. He knew that great extortion was practised at present by swelling out the proceedings, for the mere purpose of increasing the costs at so much per folio.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 2, 1844.

Minutes.] Bills. *Public.*—1°. Registration of Electors (Ireland); Municipal Corporations (Ireland); Ecclesiastical Courts; Church Temporalities (Ireland).

Private.—1°. Cababe's Naturalization.

2°. Pulteney Town, Harbour, and Improvement; Reversionary Interest Society.

3°. and passed:—Edinburgh Poor Assessment.

Petitions Presented. From Master Coopers of London, against the Duty on Staves.—By Mr. Murray, from Kirkcudbright, for Improving the Condition of Schoolmasters (Scotland).—By Mr. P. Howard, from Carlisle, against Restricting the Hours of Labour in Factories—By Mr. Fuller, from Llanbadrig, and by Sir R. H. Inglis from Oxtead, against the Union of St. Asaph and Bangor—By Mr. Pryse Pryse, from Aberayron, in favour of the Establishment of Local Courts.—By Lord Eliot, from John Fry, and others, in favour of Medical Reform.—By Mr. Tatton Egerton, from Staleybridge, against the Duty on Cotton Wool.—By Mr. Pusey, from Wallingford, in favour of the Commons Inclosure Bill.—By Mr. J. P. Somers, from Sligo, in favour of Repeal.—By Mr. Morrison, from Fortrose, and Nairn, against the Prisons (Scotland) Bill.—From John Malcolmson and others, against Railway Companies becoming Steamboat Companies.—By Lord Eliot from St. Germains Union, for Rating Owners of Tenements.

Adjournment for the Holidays —Public Business.] Sir *R. Peel* moved that the House, at its rising, should adjourn till Monday, the 15th instant. He wished, at the same time, to state that he had promised the noble Lord opposite, that he would, on moving the adjournment, explain the order in which the Bills brought in by the Government, or intended to be brought in, should be proceeded with after Easter. In consequence of the absence of his right hon. Friend, the Secretary for the Home Department, he was unable at that moment to give the explanation. He would take care, however, that the order of proceeding should be set forth in the Papers of the House to-morrow. In the meantime he would say, that it would be a great public inconvenience if the Irish Franchise Bill should not pass before June, and it was, therefore, his intention that the Bill should be read a second time on Monday, the 15th, if the House would allow it, and that the discussion be taken in Committee. An hon. Member opposite (Mr. Ewart) was anxious to know if the Government proposed to do anything respecting Charitable Trusts; and he (Sir R. Peel) had to state that he believed his noble Friend, the Lord Chancellor would, that evening, in another place, give notice of a Bill upon the subject. Another hon. Member (Mr. Hume) was anxious to know what progress had been made in opening communications with Paraguay. A Commissioner (Mr. Gordon) had been sent out there by the Government, but, unfortunately, from his over desire to make himself useful, he exerted himself to have vaccination introduced into Paraguay, and thus caused great prejudice to be created, and he had been obliged to leave the country. Since then, however, news of a more satisfactory character had been received; and he indulged the hope that England, in common with France and Brazil, would be able to make some progress in opening friendly and commercial communications with that part of the world.

Lord *John Russell*: I certainly am quite satisfied with the statement of the right hon. Baronet, that at a later period of the evening, or upon the Notice-paper to-morrow, an announcement would be made as to the course of public business after Easter. As to the proposal of the right hon. Gentleman that the Irish Franchise Bill should be read the first day after the assembling of Parliament, though I personally have no objection to such a course, yet I hope that the right hon. Gentleman will not express any surprise if hon. Gentlemen, the representatives of Irish boroughs and counties, who are at present in Ireland, may think fit to raise a discussion on the question that the House resolve itself into a Committee of the whole House. The attendance of the Irish Members has been very small during the last few days, and I can well suppose that many hon. Gentlemen will wish to state their general views before the House enters into a discussion upon the Clauses in detail. There is another subject upon which I will take the liberty of saying a few words to the House. We have not as yet, unhappily, made any very great progress in Legislation, but we have shown our loyalty to the Crown by voting very willingly, indeed almost unanimously, those Supplies which the Crown has thought proper to require of the House of Commons. Among these Supplies there was a very large sum and a considerable number of men voted for the Navy. I am one of those most willing to concur in that Vote; but considering its large amount, I do think it necessary to say a few words on this occasion with respect to that Vote, and to the rumours which are abroad as to how our naval force is to be disposed of. With respect to the men voted, I find, that although the number is considerably less than that agreed to in 1841, it is considerably greater than that voted in 1835. I should say, from the numbers which I have looked at, that there were about 43,000 persons, including men and boys, voted in 1841, about 26,500 in 1835, and for the present year about 36,000. There has been, then, no niggardly disposition evinced in voting a sufficient number of men. Now, the statement abroad is, that our force in the Mediterranean is to be reduced to a very small number of ships of the line—indeed, it is reported that only one such vessel is to be left upon that station. If such is to be the case, or at all events if the amount of our naval force in the Mediterranean is to be reduced very low, I must say, that I think any such proceeding would not be in accordance with the general policy of the country. We have important stations in the Mediterranean, which require the presence of a naval force. We have likewise great interests in the Mediterranean which from time to time call upon us for defence or interposition. There may not, indeed, be at the present moment any immediate danger in that quarter, the most amicable intercourse with Foreign Powers may continue; but, should any accident occur—and we cannot control the councils of foreign countries—any sudden augmentation of our naval force, however easily it may be made, would infallibly create the greatest alarm, and would appear like preparations for war. It must be recollected that there are rumours of Spain interfering in Morocco, and a revolutionary nucleus is forming in Italy, and circumstances of this kind may give rise to the necessity for some diplomatic representations to foreign Powers; and the best way for making these representations with effect, is to have a sufficient amount of Force in every quarter of the world. Now, if you reduce to so small an amount the number of ships of the line in the Mediterranean, you will not be adequately supporting the interests of the country. It may happen that no danger will arise—that nothing will occur to cloud our prosperity; but, if anything untoward should happen, the Government would be found to have pursued a very inexpedient course in so far diminishing our Mediterranean force. If the number of men voted had been inadequate, that might have been a valid excuse; but with the large numbers which have been voted, and considering the force which has been kept in the Mediterranean in past years, I must say I should be very sorry to see so great a reduction take place as that rumoured. The right hon. Gentleman may think it necessary to make some reply to these observations. I do not know whether he will do so or not. I do not ask him; but I repeat that the general policy of the country has always been, to have some considerable force of ships-of-the-line stationed in the Mediterranean.

Sir *R. Peel*: I confess that the noble Lord has rather surprised me. I do not find that he has alleged that any of our interests have hitherto suffered in the Mediterranean or in any other part of the world. The noble Lord suggests that it would be desirable to station a large force in the Mediterranean; and that observation of the noble Lord is perhaps abstractly true as regards any other part of the world. There may be good grounds urged for our having a large naval force off the coast of America, in the Pacific Ocean, or in the Baltic, as well as in the Mediterranean. Quite agreeing as I do with the noble Lord, that British interests should everywhere be protected, I still think that the constitutional principle is to leave the appropriation of the force voted by Parliament to the discretion of the Executive Government. Now the Government may have thought it adviseable to have a fleet of eight sail of the line in the Channel for the purpose of exercise, and ready to meet any exigency. These vessels may soon be sent to the Mediterranean if their services are required there; and it is surely a great advantage to have an available force in a position from whence their power may be concentrated upon any station requiring its presence; and do not let the noble Lord suppose that there is any danger of our interests in the Mediterranean being injured because our force happens to be off the mouth of the Thames, or cruising in the channel. I ask the noble Lord to allow the Executive Government to exercise its own discretion in the matter. Our interests in the Mediterranean are doubtless very important, but I need not here enter into the particular reasons which induce the Executive to appropriate our force in other quarters. I only appeal to the noble Lord, whether if, in that confidence in his powers to which he has so just a right, he would take the command of the channel fleet, he will not allow that there may be reasons for concentrating a strong force in the Channel in a time of peace, from whence, however, it is ready to be sent to any part of the world.

Viscount *Palmerston*: I should feel no want of confidence in my noble Friend in the command of the Channel fleet, or in any other command in which resolution and determination may be required; and if his spirit and determination in the naval capacity should, as I have no doubt they would, be backed by the professional skill and enterprise of the hon. and gallant Member for Marylebone, I think that between them they would present a very formidable appearance to any power which might be disposed to take liberties with Great Britain. I am quite willing to admit that the disposal of the Fleet should be left to the Executive; but I have yet to learn that that discretion should be free from the animadversion or remark of Parliament. On the contrary, I have always understood it to be within the discretion, and history has shown it to be the practice of this House to control such disposal. I think, therefore, that my noble Friend, in taking the opportunity which he has taken of making these remarks beforehand, and directing the consideration of the Government to the subject, has not departed from the appropriate exercise of those functions which devolved on him as a Member of this House. It is true that it is only a question of prudence, according to the existing state of things, whether we should concentrate a large force on the home station, or distribute it more equally among the different foreign stations, where its presence might be required, not for purposes of hostility, but to give that moral effect and support to our commercial interests which the presence of a naval force invariably affords. In the present state of things, if any thing occurred requiring the presence of a large naval force on the home station, it would be quite as easy to order the force home from the Mediterranean as to order the force from the home station to the Mediterranean, so that the argument of the right hon. Baronet is equally applicable to either side of the question. But I do not admit the argument of the right hon. Baronet, that there is no distinction between having—not a large force, my noble Friend does not contemplate that—but a respectable and ordinary amount of force in the Mediterranean, and having the same force in the Baltic, the Pacific, or on the coast of the United States, because it is usual in the ordinary state of things that we should have a force in the Mediterranean. We have important military stations there; we have colonies there. We have Gibraltar, Malta, and the Ionian Islands; and therefore, it is natural that we should maintain a large naval force there. The maintenance of such a force there implies nothing hostile or suspicious towards foreign powers; but the right hon. Baronet and the House will admit, if a large force were to be sent either to the Baltic, the coast of the United States, or the Pacific, it would be supposed either that we apprehended hostilities from some other powers, or that we intended something against them. The cases are not parallel. The question of the disposableness of the force applies, as I have shown before, as much to the one case as to the other. Our commercial and political relations are of more importance in the Mediterranean than anywhere else on the face of the globe. More things may happen there in which the interests of Great Britain are concerned, than could happen elsewhere. If, therefore, the Government intend only to maintain one sail of the line on that station, I contend that they would not be properly representing British interests in a quarter in which they require the most scrupulous care and attention. I can testify, from my own experience, as foreign secretary, that nothing is more common than for British merchants connected with the Mediterranean, to apply for protection and assistance. Considering, too, the difficulties which will arise from time to time in that quarter, I think it not a wise distribution of the naval forces, to have only one ship of the line in the Mediterranean, and not the ordinary amount of force usual on former occasions. If it were a privilege of Members of that House to criticise events after they happen, I think it a more useful privilege to throw out suggestions before the occurrence of those events.

Mr. *Hume* was sorry to hear any objection made to the reduction of the large force which we had for some time maintained in the Mediterranean. He had heard from the best authorities, that there was nothing more useless than to have a large force lying, as our ships were accustomed to lie, in Malta harbour, during nine months out of every twelve; losing all discipline, and costing an infinitely large sum to the country. If there was to be a large naval force in any sea, it would be better to concentrate it where the ships could be subjected to proper discipline, and where the cruising could be carried on with some useful purpose. It was all very well for the noble Lord (Lord Palmerston) to talk of maintaining a large force in the Mediterranean. His policy was to be always doing, and it was no doubt very convenient for him to have a fleet at hand ready to send just anywhere he might think fit. Why, only a year or two ago, we had fifteen pennants in the Mediterranean, more than the whole number we had flying all over the world in the year 1792. It was incurring a needless expense to keep up such a force. It was this and such like doings that led to the imposition of an Income Tax,—a tax of which every one of course complained. He hoped the number of ships in the Mediterranean would be reduced; and he hoped, too, that the Home Secretary would consider the propriety of reducing the magnificent squadron which was under his command—he meant the squadron of gun-boats he employed in the River Shannon to collect tithes and poor-rates.

Mr. *Wyse* had not heard from any Member of Her Majesty's Government whether they intended to persist in moving the second reading of the Irish Registration Bill upon the 15th? There were many Irish Members who were, he knew, most anxious to be present when the Bill came on for discussion, but who might not be able to arrive the first night after the recess. It was right, too, that the Irish people should have a longer time to consider the Bill, and to express their opinion upon it by petition. If it was understood that the discussion should be taken, not upon the second reading, but upon going into Committee, perhaps that would obviate the difficulty; but, in any event, more time should be given. If it were said that it was necessary to press the measure, why, he would reply, that it would have been more convenient, had the noble Lord brought in the Bill at an earlier period of the Session.

Sir *R. Peel* said, that if the hon. Member on the part of Irish Members generally, expressed a wish that the day for the second reading of this Bill should be postponed, he would not on any account press the second reading upon the 15th. He did not think it would be advisable to take the second reading without affording an opportunity for discussing the principle of the Bill, and he did not think that the House would gain anything by taking the second reading, and postponing the discussion until the House went into Committee. He would, therefore, say at once, that he would not take the second reading earlier than the Friday after the re-assembling of the House. As regarded the observation about pressing the Bill, his only feeling with regard to the matter, was, that if the measure was to be adopted, it would be better to bring it into operation this year than subsequently, and he believed that it would be most convenient for its practical working that it should be passed by the middle or end of June.

Mr. *Ewart* would ask, whether it were the intention of Her Majesty's Government to propose any digest or code of Criminal Law, founded upon the Report of the Criminal Law Commissioners?

Sir *R. Peel*—I am not prepared to say that it is my intention to bring in a Bill to embody all the Criminal Law of England in one code. Indeed, at present I do not contemplate any measure upon the subject.

The Motion for the adjournment to the 15th inst. agreed to.

CHINESE TREATY — SIR H. POTTINGER.] Sir *R. Peel* appeared at the Bar with Papers by command of Her Majesty, and, on the call of the Speaker, brought up and laid upon the Table a copy of the Supplementary Treaty with China. The right hon. Baronet said, Sir, I cannot move that this Paper, which will probably be the last diplomatic act of Sir H. Pottinger, who is now retiring from his post in China at his own wish and request, and against the desire of Her Majesty's Government—I cannot move that this Paper be printed without paying a tribute which is justly due to the ability, the firmness, the zeal, the energy, and the disinterestedness with which that gallant Officer has performed those duties, which he undertook at a most critical moment, but which have been performed in such a manner as to secure for him the confidence and esteem of the Chinese, as well as the entire approval of the Government of the nation which he represented. I might, Sir, say a great deal in praise of the conduct and character of Sir H. Pottinger, but I believe that sometimes panegyric is weakened and diluted by words; and I will only add, that it is impossible to pay too high a tribute to the singular ability, tact, and talent with which he transacted all the duties committed to him.

Viscount *Palmerston* had heard with great pleasure the honourable and well-deserved tribute which had been paid to the merits of Sir H. Pottinger, for those who knew with what difficulties he had had to contend, and how admirably he had overcome them, must feel how extremely eminent were the services which he had rendered. Not only had Sir H. Pottinger by his own merits acquired the praise which had been so handsomely bestowed on him, but it was by his own merit that he owed the appointment which he had received at the hands of Her Majesty's late Government. In selecting Sir H. Pottinger for the Chinese mission he had been in no way influenced by his political opinions. He did not to that hour know what those opinions were, and he had selected him solely in consequence of the ability which he displayed in performing the duties of the appointment which he formerly held in India. In justice to Her Majesty's Government he might express his belief that the successor of Sir H. Pottinger owed his appointment to similar consideration, and certainly it was doubly honourable to that gallant Officer, that having been appointed by one Government for his merit, he had by his merit obtained the approbation of another.

The Papers to be printed.

THE LAW OF PARTNERSHIP.] Mr. *Gladstone* rose for the purpose of moving for a Committee of the whole House to consider the state of the Law of Partnership, with a view to providing for the following purposes, viz.;—For the Registration of Joint Stock Companies, and for conferring on such Companies certain privileges of Corporate Bodies, subject to the payment of certain fees, and on certain conditions and regulations, and for preventing the establishment of fraudulent Companies; for the regulation of Joint-Stock Companies; for facilitating and improving the remedies at Law and in Equity in reference to Joint-Stock Companies, their members, directors, and other officers, whether *inter se* or in relation to persons not being members thereof, and for winding up the affairs of Companies unable to meet their pecuniary engagements; and for enabling private Partnerships to register the names of their partners, and to sue and be sued in the name of their firm. The propositions he had to make, or the greater part of them, were founded on a Report of the Select Committee of that House which sat during several Sessions of Parliament for the purpose of investigating the position of Joint-Stock Companies. The inquiry had not been extended to that important class of subjects connected with banking; but with that limitation the whole of the rest of the subject had been investigated. There were two classes of evils connected with Joint-Stock Companies that required a remedy. The first was the formation of fraudulent companies, into which innocent and inexperienced persons were induced to enter on account of the respectability of the names connected with them, to their own great, and, in many instances, ruinous loss. The other class was that of the formation of companies which, although not dishonest, were badly constructed and unwisely conceived. It was proposed to meet these evils by applying a remedy in various forms. It was not intended by this measure to give an indiscriminate encouragement to Joint-Stock Companies, nor, on the other hand, to impose burthens and restraints upon them other than such as were necessary or were manifestly to the public benefit. And as to those burthens or restraints, they would be attended in many instances with benefit in respect of existing evils. He should first propose to apply to Joint-Stock Companies that which was the most wholesome remedy for a public evil, when it was necessary that there should be a remedy for the public—that of giving a power of public opinion, and creating that responsibility which attached to all acts done in a public character. For that purpose he should move in the Committee for leave to bring in a Bill for the Registration of Joint-Stock Companies; but in registering those Companies it would be necessary to recognise them for certain purposes as corporate bodies. That was an important change in the law. At the same time, it did not change the course of the law, but rather accelerated it; because, in the present state of the law, Joint-Stock Companies had, under the pressure of absolute necessity, extorted, piecemeal, from the courts of law, a recognition of their distinct existence; and, without any strictly statutory title, they had become, to all intents and purposes, recognised creatures in the eye of the law. He should propose that the Companies on being registered and subjecting themselves to inspection, both with regard to the persons who conducted them, and likewise the mode in which the affairs themselves were conducted, should acquire in all cases the privilege of suing and being sued, and therefore of doing certain legal acts, for the purposes for which they are associated, with as much facility as they could be done by individuals. At the present moment Joint-Stock Companies had not ability to appoint any member of their body in whose name they could sue and be sued. It was undoubtedly conferring a great boon on them to enable them to do so; but it was giving to the public a much greater boon, because he believed it would be admitted that the present inability of Joint-Stock Companies to sue and to be sued was an inability of which they contrived to avoid the effects for purposes beneficial to themselves. There were modes in which, by the intervention of trustees, they might attain many of the purposes which they could more directly attain if they were legally entitled to sue; but, when we came to regard them as bodies which required to be sued, their present inability was a complete bar to the public, and, therefore, in giving Joint-Stock Companies the power, both to sue and to be sued, we were giving the public a complete means of calling them to account when guilty of malversation. What was given to them was to be justified on the ground of its being a boon to particular bodies, but a much more important boon to the public. Independently of the system of registration, he proposed to provide, by another Bill, for the regulation of Joint-

Stock Companies, by which was meant a certain amount of provision, which, of course, it would be in the discretion of the House to restrict or extend, for the purpose of determining the constitution of Joint-Stock Companies. It was at present usual, in Acts of Incorporation obtained from Parliament to provide for the constitution of Joint-Stock Companies; and now that they were going to make all Joint-Stock Companies, in some sense, recognised by Statute, it seemed obviously to follow, that they should take those securities from Joint-Stock Companies at large which heretofore it had been usual to take in those particular isolated cases which were the subject of statutory enactment. He proposed also to meet another great evil of the present state of these Associations, viz., the extreme deficiency of legal remedies, both as applicable to remedies of shareholders against the managers and directors, and likewise as applicable to the remedies of the public against these Companies. This, perhaps, of all parts of the subject, was one on which it was least convenient for him to enter in the present early stage of the business, but the resolution of the Committee on Joint-Stock Companies, which was recently laid on the Table, would explain the measures he proposed to take to facilitate and improve these remedies at Law and Equity; and he trusted that the Bill, which he should shortly lay on the Table, would completely explain this to the House. Lastly, it would be his duty to ask the House to bring in a Bill to introduce modifications into a particular part of the Law of Partnership, as related to private partners. It was well known that private partnerships laboured to a considerable extent, although not to the same extent, under those inconveniences which attached to Joint-Stock Companies—viz., that although there was really no ground for exercising over them the restraints which the Legislature ought to exercise over large associations of persons associated together on the principle of Joint-Stock Companies, yet private parnerships were not in the condition of being able to appoint any person to use the common name under which they acted for the legal purpose of suing those against whom they might have claims. It was obvious, that if the House were to confer on Joint-Stock Companies the power of suing and being sued, and were to withhold that power from private partnerships, there would be very great danger of their acting in contravention of a principle which had received almost universal sanction in the regulation of commercial concerns in this country; which principle he took to be that where you could attain a commercial purpose by means of private partnership you should attain it by those means, and you should only resort to those larger associations in which the principle of responsibility and individual vigilance of control was weaker, in cases which were exceptional, and where from the amount of capital required, or the extent of the risk, you could not work out your purpose by other means. On that ground he proposed, lastly, to bring in a Bill to enable private partnerships, associated for mercantile purposes, to sue and to be sued. He would not at this moment go into the details of these measures, but would move that the House resolve itself into a Committee of the whole House, to consider the state of the Law of Partnership.

House in Committee, when the following Resolutions were adopted:—

1. That the Chairman be directed to move the House, that leave be given to bring in a Bill for the Registration of Joint-Stock Companies, and for conferring on such Companies certain privileges of Corporate Bodies, subject to the payment of certain fees, and on certain conditions and regulations, and for preventing the establishment of Fraudulent Companies.

2. That the Chairman be directed to move the House, that leave be given to bring in a Bill for the regulation of Joint-Stock Companies.

3. That the Chairman be directed to move the House, that leave be given to bring in a Bill for facilitating and improving the remedies at Law and in Equity, in reference to Joint-Stock Companies, their Members, Directors, and other Officers, whether *inter se* or in relation to persons not being members thereof, and for winding up the affairs of Companies unable to meet their pecuniary engagements.

4. That the Chairman be directed to move the House, that leave be given to bring in a Bill for enabling private partnerships to register the names of their Partners, and to sue and be sued in their name of their firm.

House resumed.

Resolutions reported and Bills accordingly ordered to be brought in.

UNIVERSITY OF DUBLIN.] Mr. *Wyse* moved for various Returns relative to the incomes of Dublin University and Maynooth College.

Sir *R. Peel* thought that it would be establishing a dangerous principle to call for returns from a public institution which like the University of Dublin did not receive any grant of public money. Such a Motion ought not to be consented to without serious consideration. He also objected to the House requiring any specification of the religious opinions of the Members of the University. He hoped that the hon. Member would not call for a return from any institution receiving no public aid or emolument.

Mr. *Shaw* thought, that the hon. Member could scarcely press his Motion. The University of Dublin did not receive any grant of public money. He thought the Return required in the third paragraph, with reference to the "emoluments enjoyed by the provost, senior and junior fellows, scholars, professors, and other officers of the University of Dublin," would be most invidious. They had no right to pry into the private emoluments of these parties. With regard to the "fellows," it was well known that they must be Protestants. The undergraduates embraced both Roman Catholics and Protestants, and a large number of the former were yearly educated in that University. All the honours and emoluments of the University were as much open to Roman Catholic undergraduates as to Protestants.

Mr. *Wyse* did not attach much importance to the observation of the right hon. Member; but he did to the objection of the right hon. Baronet. If his Motion was not within the jurisdiction of the House, of course he would not press it. He merely wished to show that, by the Constitution of the University, many Roman Catholics were deterred from entering it. The Professorships of the University were open to Roman Catholics as well as Protestants. He wished by his Motion to show, how few of these Professorships were held by gentlemen of the Roman Catholic persuasion. He would withdraw the first part of his motion, but he trusted that the House would not object to the second part.

Sir *R. Peel* still objected to a return of the emoluments of the officers of the University, who were paid by fees, and not by a public grant.

Mr. *Wyse* said, he would withdraw his Motion, with the view to its alteration.

Motion withdrawn.

House adjourned to Monday the 15th of April.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXXIII.

BEING THE SECOND VOLUME OF SESSION 1844.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*,—Lords.—*c.*, Commons.—*o. q.* Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that Reading.*

ABERDEEN, EARL OF
  China, Supplemental Treaty with, 1676
  Poles in Prussia, 272
  Tahiti, 2, 434
  Turkey, Commercial Relations with, 1682

ACLAND, Mr. T. D. (*Somerset, W.*)
  Factories, Com. 1632

ACLAND, SIR T. D. (*Devonshire, N.*)
  Duelling, 1035

ADVOCATE, The Lord (D. McNeil, Esq.) *Argylshire)*
  Laws for Scotland, 601
  Parishes (Scotland), Leave, 597
  Prison Discipline (Scotland), Leave, 432

AGLIONBY, Mr. H. A. (*Cockermouth*)
  Commons, Inclosure of, 2R. 973
  Factories, Com. 1522
  Ordnance Estimates, 780, 781
  Parliamentary Agents—Standing Orders, 582

Agriculture, Protection to, l. 795, 841;—see *Protective Duties*

Ailsa, Marquess of, Estate, l. 1R.* 1674

ALDAM, Mr. W. (*Leeds.*)
  Factories, Com. *cl.* 8, 1459

Arches, Court of, c. 1R.* 22, 2R. 964

Army Estimates, c. 533; Select Com. moved for, (Mr. W. Williams) 538; Motion withdrawn 539; Amend. (Mr. S. Crawford) 544, [*o. q.* A. 87, N. 8, M. 79] 547; Amend. (Mr. W. Williams) 557, [A. 12, N. 114, M. 102] 568, 760

Army, The—Duelling, c. 1369

ASHLEY, Viscount, (*Dorsetshire)*
  Factories, Com. *cl.* 2, Amend. 1073, 1151, 1152, 1154, 1263, 1269; *cl.* 8. Amend. 1378, 1463, 1493, 1588, 1624, 1627

Ashton, Staley-bridge, and Liverpool Junction Railway, c. 1R.* 600; 2R.* 1065

Ashton-under-Lyne Railway, see *Sheffield*

Athlone Election, c. 601

ATTORNEY GENERAL, The, (Sir F. Pollock) (*Huntingdon*)
  Ireland, State of, Com. moved for, 135

Ayr Bridge, c. 1R.* 1065; 2R.* 1482

Bail in Error, l. 1R.* 1742

Bailiffs of Inferior Courts, c. 1R* 1616

BAILLIE, Mr. H. J. (*Invernesshire*)
  Army Estimates, 539

BANKES, Mr. G. (*Dorsetshire*)
  Factories, Com. *cl.* 2, 1375

Bankes, Mr. G.—*continued*
Protective Duties—The Agricultural Interest, Com. moved for, 938

Barclay, Mr. D. (*Sunderland*)
Masters and Servants, Com. *cl.* 1, Amend. 1307

Baring, Right Hon. F. T. (*Portsmouth*)
Army Estimates, 567
Brazil, Relations with, 665
Import Duties, 1657
Lime, Toll on, (Wales), Leave, 1549
Postage Stamps, 1057
Probate and Legacy Duties, Com. moved for, 1055
Three-and-a-Half per Cent. Stock, Reduction of, 748

Barron, Sir W. H. (*Waterford City*)
Ecclesiastical Courts (Ireland), 1065

Basingstoke Railway, see *Newbury*.

Beaumont, Lord
Clerks to Justices, Fees to, 1745
Corn Laws, 1363
Free Trade—Corn Law Agitation, 793
Turkey, Commercial Relations with, 1677, 1683

Beccles Navigation, c. 1R.* 392; 2R.* 515; Rep.* 1176, 1366; 3R.* 1482; *l.* 1R.* 1464; 2R.* 1590

Beckett, Mr. W. (*Leeds*)
Factories, Com. *cl.* 2, 1192; *cl.* 8, 1458, 1459

Bellew, Mr. R. M. (*Louth*)
Ireland, State of, Com. moved for, 43
Registration of Voters (Ireland), Leave, 1713
Roman Catholics, Exclusion of, from Juries, 1067
State Trials (Ireland)—The Witnesses, 461

Bentinck, Lord W. G. F. C. (*King's Lynn*)
Gaming Actions Discontinuance, 3R. 390

Berkeley, Hon. C. F. (*Cheltenham*)
Coroners, County, Com. *cl.* 20, Amend. 599
Gaming Actions Discontinuance, Rep. *add cl.* 321, 324

Bernal, Captain R. (*Wycombe*)
Army Estimates, 765
Dublin Protestant Operative Association, 385, 386
Duelling—Colonel Fawcett, 761, 765, 773, 801; —Military Discipline, 862
Ireland, State of, Com. moved for, 41
Postage Stamps, 1057

Bernal, Mr. R. (*Weymouth*)
Army Estimates—Duelling, 772
Duelling, 827
Factories, Com. 1505
Supply—British Museum, 1661, 1663

Betting, see *Gaming*

Birkenhead Docks, c. 2R.* 276

Birkenhead Improvement, c. 3R.* 276; Rep.* 1616

Birmingham Canal Navigation, c. 2R.* 276; Rep.* 1065; 3R.* 1366; *l.* 1R.* 1360; 2R.* 1590

Birmingham Corporation, c. 1R.* 720

Birmingham Railway, see *Manchester*

Blackburn and Preston Railway, c. 1R.* 1065; 2R.* 1482

Blake, Sir V. (*Galway*)
Ireland, State of, Com. moved for, 255
Law of Settlement—Removal of Irish Paupers, 1176, 1177
Steam Communication with the United States, 406, 410

Bleddfa and Llangunllo Inclosure, c. 1R.* 600; 2R.* 860

Blewitt, Mr. R. J. (*Monmouth*)
Representation, Reform of the, 466
Three-and-a-Half per Cent. Stock, Reduction of, 754

Blythswood Estate (*Campbell's*), *l.* 1R.* 1360; 2R.* 1538

Boldero, Captain H. G. (*Chippenham*)
Ordnance Estimates, 774, 779

Bolton and Preston Railway, c. 1R.* 392; 2R.* 516; Rep.* 1304; 3R.* 1587; *l.* 1R.* 1590; 2R.* 1674

Borthwick, Mr. P. (*Evesham*)
Army Estimates—Duelling, 773
Carlos, Don, Imprisonment of, 366, 383
Factories, Com. 1512
Factories (No. 2), Leave, 1668
Poor Law Amendment, 328
Supply—British Museum, 1664

Bow Brickhill Estate, l. 1R.* 271; 2R.* 487; Rep.* 1060; 3R.* 1156; *c.* 1R.* 1366; 2R.* 1691

Bowring, Dr. J. (*Bolton*)
Army Estimates, 543, 546, 568
Factories, Com. 1523
Gaming Actions Discontinuance, Rep. *add cl.* 322
Grievances, Redress of—The Income Tax, 297
Import Duties, 1657
Levant, Criminal Jurisdiction in the, 100
Navy Estimates, 318, 468
Ordnance Estimates, 776
Protective Duties—The Agricultural Interest, Com. moved for, 959
Railway Committees, Report, 529, 725
Supply—Commissariat, 1665;—Civil Contingencies, 1733
Wrecks of the Nerbudda and Ann, 1367

Bradford Railway, see *Leeds—Manchester*

Brandes Burton Inclosure, c. 2R.* 276; Rep.* 1352; 3R.* 1616; *l.* 1R.* 1597; 2R.* 1742

Brandon Drainage, see *Lakenheath*

Brandon Railway, see *Eastern Counties—Norwich*

Brazil, Relations with, c. (Mr. Labouchere's Motion) 606, [A. 132, N. 205, M. 73] 688

Brazil, Treaty with, c. 728

Bright, Mr. J. (*Durham City*)
Brazil, Relations with, 659
Commons, Inclosure of, Leave, 431
Factories, Com. *cl.* 2, 1132, 1151, 1152
Protective Duties—The Agricultural Interest, Com. moved for, 906, 907, 943

Brighton and Chichester Railway, c. 1R.* 800; 2R.* 1545

Brighton, Lewes and Hastings Railway, c. 1R.* 800; 2R.* 1545

Brighton, Military Outrage at, c. 326

British Iron Company, c. 1R.* 720; 2R.* 1175

British Museum, see *Supply*

Brocklehurst, Mr. J. (*Macclesfield*)
Factories, Com. 1524

Brotherton, Mr. J. (*Salford*)
Duelling, 837, 1034
Factories, Com. *cl.* 8, 1413, 1497
Late Sittings, 589
Police Metropolitan, The, 597
Protective Duties—The Agricultural Interest, Com. moved for, 927

Brougham, Lord
Criminal Law, 1R., 1598
Ecclesiastical Courts, 843; 2R., 1340; Com. *cl.* 8, 1542; Rep. 1595.
Factories, 1596
Free Trade—Corn Law Agitation, 782, 786
Ireland, State of, 1591, 1592
Juries Ireland), 1613, 1615
Labour, Limitation of Hours of, 1464, 1473
O'Gorman, Mr.—The State Trials, 274
Parliament, New Houses of, 797
Poles in Prussia, 272
Presbyterian Marriages (Ireland), Com. moved for, 1598, 1600
Privy Council Appellate Jurisdiction, 2R., 691, 703, 705, 718, 720; Com. 796, 797
Slavery in Louisiana, 491
Stipendiary Magistrates (Ireland), 1605
Tahiti, 1, 2, 434, 435
Three-and-a-Half per Cents., 2R., 1160

Buccleuch, Duke of
Buildings Regulations, 845
Corn Laws, 1361, 1363
Free Trade—Corn Law Agitation, 784
Three-and-a-Half per Cents, 1351

Buildings Regulations, l. 844;—see *Metropolitan Buildings*

Buller, Mr. C. (*Liskeard*)
Factories, Com. *cl.* 8, 1432, 1513

Burrell, Sir C. M. (*New Shoreham*)
Commons, Inclosure of, Leave, 431

Bury (Huntingdonshire) Inclosure, c. 2R.* 134; Rep.* 989; 3R.* 1366; *l.* 1R.* 1360; 2R.* 1538; Rep.* 1597; 3R.* 1674; Royal Assent, 1742

Bury Railway, see *Manchester*

Cababes Naturalization, l. 1R.* 1156; 2R* 1590; Rep.* 1597; 3R.* 1674; *c.* 1R.* 1746

Camoys, Lord
Union Workhouses, Spiritual Instruction in, 133

Campbell, Lord
Charitable Bequests, Board of—System of National Education (Ireland), 509, 514, 515
Clerks of Justices, Fees to, 1745
Criminal Law, 1R., 1599
Dromore, Deanery of—The Rev. Holt Waring, 18
Ecclesiastical Courts, 842, 843; 2R., 1335, 1343; Com. *cl.* 7, 1538; *cl.* 8, 1540; Rep. 1596; 3R. 1685, 1690
Ireland, State of, 1593
Juries (Ireland), 1615
Marsh, The Rev. Herbert, 1061
O'Gorman Mahon, Mr.—The State Trials, 273, 274, 275
Presbyterian Marriages (Ireland), Com. moved for, 1598
Privy Council Appellate Jurisdiction, 2R. 711, 720
Suicide in a Poor Law Union Cell, 1478, 1479
Three-and-a-Half per Cents, 1308, 1310, 1352

Canals, see *Birmingham—Nottingham*

Canterbury Pavement, c. 1R.* 600; 2R.* 860

Canterbury Railway, see *South Eastern*

Capamagian, Hatzik and Manouk Naturalization, l. 1R.* 1360

Cardwell, Mr. E. (*Clitheroe*)
Factories, Com. *cl.* 8, 1407

Carlisle Railway, see *Lancaster—Maryport*

Carlos Don, Imprisonment of, c. 335, 393

Catholic Priest—Explanation, l. 271

Cemeteries, Public, see *Interments*

Chancellor, The Lord (The Right Hon. Lord Lyndhurst)
Charitable Bequests, Board of—System of National Education (Ireland), 507, 508
Ecclesiastical Courts, 842; 2R. 1312, 1342, 1349; Com. *cl.* 7, 1538; *cl.* 8, 1540; *cl.* 9, 1543, 1544; Rep. 1595; 3R. 1683, 1686, 1688
Ireland, State of, 1592
O'Gorman, Mr.—The State Trials, 274
Presbyterian Marriages (Ireland), Com. moved for, 1597, 1598
Privy Council Appellate Jurisdiction, 2R. 700, 704, 720, Com. 797
Three-and-a-Half per Cents, 1310

Chancellor of the Exchequer (The Right Hon. H. Goulburn) (*Cambridge University*)
Army Estimates, 565
Grievances, Redress of—The Income Tax, 298
Import Duties, 1653
Late Sittings, 588
Postage Stamps, 1057

CHANCELLOR OF THE EXCHEQUER—*continued*
Probate and Legacy Duties, Com. moved for, 1052
Three-and-a-Half per Cent. Stock, Reduction of, 729, 754

Chancery, Court of, (County Palatine of Lancaster), c. 1R.* 1691

Charitable Bequests, Board of—System of National Education (Ireland), *l.* 492, 1311

Charitable Pawn Societies, c. 1R.* 1691

Chester and Holyhead Railway, c. 1R.* 989; 2R.* 1482

Chichester Railway, see *Brighton*

China, Supplemental Treaty with, *l.* 1676;—*Sir H. Pottinger*, 1753;—see *Morrison Rev. Dr.*—*Wrecks*

CHRISTIE, Mr. W. D. (*Weymouth*)
Gaming Actions Discontinuance, 3R. Amend., 388

Church of Scotland, see *Roskeen, Disturbances at*

Church Temporalities (Ireland), c. Leave, 1739; 1R.* 1746

Church, The (Ireland), *l.* 1164

Civil Contingencies, see *Supply*

CLANRICARDE, Marquess of
Ireland, State of, 1590
Parliament, New Houses of, 798
Stipendiary Magistrates (Ireland), 1604, 1607
Tenure of Land (Ireland), 570, 580

CLARE Earl of
Limerick, Distress in, 1600

CLAY, Sir W. (*Tower Hamlets*)
Factories, Com. *cl.* 8, 1387
Victoria Park, 1176

CLERK, Sir G. (*Stamford*)
Land Tax Commissioners Names, 2R. 1058
Postage Stamps, 1057
Supply—Commissariat, 1665;—Civil Contingencies, 1731, 1733

Clerkenwell Improvement, c. 1R.* 1366

Clerks to Justices, c. Com. moved for, 980; Motion withdrawn, 982, 1071, 1691; *l.* 1743

Clontarf Proclamation, The, c. (Colonel Rawdon's Motion) 411, [A. 62, N. 90, M. 28] 421

Coatbridge Railway, see *Garnkirk*

COBDEN, Mr. R. (*Stockport*)
Protective Duties—The Agricultural Interest, Com. moved for, 862, 900

COCHRANE, Mr. A. D. R. W. B. (*Bridport*)
Carlos, Don, Imprisonment of, 358
Factories, Com. 1617, 1626
Greece, Affairs of, 990, 1006

COCHRANE, Mr. A. D. R. W. B.—*continued.*
Protective Duties—The Agricultural Interest, Com. moved for, 926

COCKBURN, Right Hon. Sir G. (*Ripon*)
Naval Force—Poor Rates (Ireland), 1616
Navy Estimates, 319, 321, 470, 481, 486, 487

COLCHESTER, Lord
Clerks to Justices, Fees to, 1745

Colchester and Harwich Railway, c. 1R.* 800; 2R.* 1545

COLEBROOKE, Sir E. (*Taunton*)
Controverted Elections, Com. moved for, 1537

COLLETT, Mr. J. (*Athlone*)
Controverted Elections, Com. moved for, 1536
Factories, Com. *cl.* 2, 1262

Collumpton Road, see *Sidmouth*

COLQUHOUN, Mr. J. C. (*Newcastle, Staff.*)
Factories, Com. *cl.* 2, 1229

Commercial Treaties, c. (Mr. Ricardo's Motion), 1270;—see *Brazil*—*France*—*Portugal*—*Turkey*

Commissariat, see *Supply*

Commons, Inclosure of, c. Leave, 423; 1R.* 432; 2R. 965, [A. 70, N. 23, M. 47] 979

Consolidated Fund (8,000,000*l.*), c. 1R.* 801; 2R.* 860; Rep.* 989; 3R.* 1065; *l.* R.* 1059; 2R.* 1156; 3R. 1257; Royal Assent, 1360

Controverted Elections, c. Com. moved for, 1533

Conveyances — Roman Catholic Clergymen, c. Leave, 839; 1R.* 840

Copyright, see *International Copyright*

Corn from the Colonies, c. Com. moved for, 1553, [A. 47, N. 117, M. 70] 1574

Corn Law Agitation, *l.* 781, 1360;—see *Agricultural Protection*

Coroners, County, c. Com. *cl.* 20, [A. 93, N. 34, M. 59] 599; *cl.* 6, Amend. (Mr Scott) [*o. q.* A. 45, N. 70, M. 25] 1305

COTTENHAM, Lord
Charitable Bequests, Board of—System of National Education (Ireland), 505
Ecclesiastical Courts, 2R. Amend. 1322; Com. *cl.* 8, 1539; *cl.* 9, 1543, 1544; Rep. 1595; 3R. 1684, 1685, 1687
Presbyterian Marriages (Ireland), Com. moved for, 1598
Privy Council Appellate Jurisdiction, 2R. 700, 701, 704

Counties, Detached Parts of, c. 1R.* 1482

County Court (County Palatine of Lancaster), c. 1R.* 1691

County Courts, c. Leave, 1671; 1R.* 1674

Coventry Improvement, c. 1R.* 207

Coventry Lammas &c. Land, c. 1R.* 989

- *Coventry Waterworks*, c. 1R*. 720; 2R.* 1065
- Cowper, Hon. W. F. (*Hertford*)
  - Commons, Inclosure of, 2R. 971, 973
  - Duelling, 832, 1026
- Crawford, Mr. W. S. (*Rochdale*)
  - Army Estimates, Amend. 544
  - Clontarf Proclamation, The, 420
  - Commons, Inclosure of, Leave, 430; 2R. Amend. 965
  - Grievances, Redress of—The Income Tax, 276
  - Representation, Reform of The—Stopping the Supplies, 464, 755, 760
- *Criminal Appeal*, see *Bail in Error*
- *Criminal Law*, *l.* 1R. 1598
- Cripps, Mr. W. (*Cirencester*)
  - County Courts, Leave, 1673
- *Croydon and Epsom Railway*, c. 1R.* 598; 2R.* 860
- Curteis, Mr. H. B. (*Rye*)
  - Commons, Inclosure of, 2R. 970
  - Protective Duties—The Agricultural Interest, Com. moved for, 927
- *Cwm Celyn and Blaina Iron Company*, c. 1R.* 1267; 2R.* 1545
- *Cwmgilla Inclosure*, see *Farrington*
- Dalhousie, Earl of
  - Handloom Weavers, 1364, 1366
- *Damage by Fire* (*Metropolis*), c. 1R.* 1691
- Darby, Mr. G. (*Sussex, E.*)
  - Commons, Inclosure of, 2R. 971
  - Lime, Toll on, (Wales), Leave, 1550
- *Darlington Railway*, see *Newcastle*
- Davies, Mr. D. A. S. (*Carmarthenshire*)
  - Lime, Toll on, (Wales), Leave, 1557
- *Dean Forest Encroachment*, c. 1R.* 989; 2R.* 1175; Rep.* 1482; 3R.* 1545; *l.* 1R.* 1590; 2R.* 1597; Rep.* 1674; 3R.* 1741
- *Delabole and Rock Railway*, c. 1R.* 1175
- *Delabole and Rock Railway*,(No.2), c. 1R.* 1691
- Denison, Mr. E. B. (*Yorkshire W. R.*)
  - Railway Committees, Report, 530
- Denman, Lord
  - Ecclesiastical Courts, 3R. 1688, 1690
  - Slavery in the United States, 1156
- Devon, Earl of
  - Tenure of Land (Ireland) Commission, 433, 574, 580
- *Dingwall Police*, c. 1R.* 1352
- *Dissenters Chapels Suits*, *l.* 1R.* 600
- Divisions, List of,
  - Army Estimates, Amend. (Mr. S. Crawford), [*o. q.* A. 87, N. 8, M. 79] 547; Amend. (Mr. W. Williams), [A. 12, N. 114, M. 102] 569

Divisions, List of—*continued.*

  - Brazil, Relations with, (Mr. Labouchere's Motion), [A. 132, N. 205, M. 73] 688
  - Clontarf Proclamation, The, (Colonel Rawdon's Motion). [A. 62, N. 90, M. 28] 421
  - Commons, Inclosure of, 2R. [A. 70, N. 23, M. 47] 979
  - Corn from the Colonies, Com. moved for, [A. 47, N. 117, M. 70] 1574
  - Coroners, County, Com. *cl.* 20, [A. 93, N. 34, M. 59] 599; *cl.* 6, Amend. (Mr. Scott), [*o. q.* A. 45, N. 70, M. 25] 1305
  - Dublin Protestant Operative Association, Copy of Address moved for, [A. 54, N. 105, M. 57] 387
  - Ecclesiastical Courts, Com. *cl.* 8, [Contents 47, Not-Contents 20, M. 27] 1542
  - Factories, Com. *cl.* 2, Amend. (Visct. Ashley), [*o. q.* A. 170, N. 179, M. 9] 1263; *cl.* 8, [A. 183, N. 186, M. 3] 1460
  - Gaming Actions Discontinuance, 3R., [A. 87, N. 21, M. 66] 391
  - Grievances, Redress of—The Income Tax, [*o. q.* A. 105, N. 11, M. 94] 302
  - Import Duties, (Mr. Ewart's Res.), [*o. q.* A. 88, N. 24, M. 64] 1660
  - Ireland, State of, Com. moved for, [A. 225, N. 324, M. 99] 266
  - Late Sittings, (Mr. W. Williams's Motion), [A. 16, N. 146, M. 130] 590
  - Lime, Toll on, Exemption, (Wales), Leave, [A. 68, N. 42, M. 26] 1552
  - Protective Duties—The Agricultural Interest, Com. moved for, [A. 133, N. 224, M. 91] 960
  - Railway Committees, Report, Amend. (Colonel Sibthorp) Adj., [A. 3, N. 200, M. 197] 530
  - State Trials (Ireland)—The Witnesses, Returns moved for, [*o. q.* A. 144, N. 73, M. 71] 462
  - Supplies, Stopping the—Reform of the Representation, [*o. q.* A. 91, N. 15, M. 76] 467
- *Divorce*, see *Marriage*
- *Docks*, see *Birkenhead—Hartlepool—Kingston-upon-Hull—Liverpool—Newport—Preston*
- Douglas, Sir H. (*Liverpool*)
  - Carlos, Don, Imprisonment of, 374, 393
  - Greece, Affairs of, 1003, 1006
  - Grievances, Redress of—The Income Tax, 28
  - Ionian Islands—Explanation, 839
  - Ireland, State of, Com. moved for, 61
  - Ordnance Estimates, 776
  - Steam Communication with the United States 408
- *Dromore, Deanery of—The Rev. Holt Waring* *l.* 3
- *Dublin Protestant Operative Association*, c Copy of Address moved for, 385, [A, 54 N. 105, M. 57] 387
- *Dublin University*, c. 1758
- *Duelling—Colonel Fawcett*, c. 329, 760, 801 —*Military Discipline*, 861; (Mr. Turner' Motion), 1016, 1369
- Duncan, Viscount (*Bath*)
  - Fees to Magistrates Clerks, 691

Duncombe, Mr. T. S. (*Finsbury*)
  Dublin Protestant Operative Association, 387
  Duelling, 330, 815
  Factories, Com. *cl.* 8, 1449; Amend. 1620
  Factories, (No. 2) Leave, 1667
  Masters and Servants, Com. 1307, 1588, 1589, 1590
  Metropolitan Buildings, Leave, 396
  Poor Law Amendment, 2R. 135
  State Trials (Ireland)—The Witnesses, Returns moved for, 436, 448, 452, 453, 454, 458

Dundas, Rear-Admiral J. W. D. (*Greenwich*)
  Navy Estimates, 321, 483, 486

Durham County Coal Company, c. 1R.* 600; 2R.* 800; Rep.* 1616

Easthope, Sir J. (*Leicester*)
  Gaming Actions Discontinuance, 3R. 390
  Three-and-a-Half per cent Stock, Reduction of, 750

Eastern Counties Railway, c. 1R.* 600; 2R.* 800; Rep.* 1587, 1691;—see *Thetford*

Eastern Counties (Brandon and Peterborough) Railway, c. 1R.* 720; 2R.* 1175; Rep.* 1691

Eastern Union Railway, c. 1R.* 989; 2R.* 1366

Ebrington, Viscount (*Plymouth*)
  Lime, Toll on, (Wales), Leave, 1551

Ecclesiastical Courts, l. 842; 2R. 1311; Com. *cl.* 7, 1538; *cl.* 8, 1539, [Contents 47, Not Contents 20, M. 27] 1542; *cl.* 9, 1543; Rep. 1593; 3R. 1683; *c.* 1R.* 1746

Ecclesiastical Courts (Ireland), c. 1065

Edinburgh and Glasgow Railway, c. 1R.* 392; 2R.* 515

Edinburgh Cattle Market, c. 1R.* 276; 2R.* 436; Rep.* 1176; 3R.* 1482; *l.* 1R.* 1464; 2R.* 1590; Rep.* 1674; 3R.* 1742

Edinburgh, Leith and Granton Railway, c. 1R.* 963; 2R.* 1366

Edinburgh Poor Assessment, c. 1R.* 325; 2R.* 516; Rep.* 1176; 3R.* 1746; *l.* 1R.* 1741

Education, National (Ireland), l. 492

Edward's Estate, l. 1R.* 989; 2R.* 1156

Egerton, Mr. W. T. (*Cheshire, N.*)
  Factories, Com. *cl.* 2, Amend. 1371, 1376

Egerton, Right Hon. Lord F. (*Lancashire, S.*)
  Factories, Com. *cl.* 2, 1123; *cl.* 8, 1449

Eliot, Right Hon. Lord (*Cornwall, E.*)
  Church Temporalities (Ireland), Leave, 1741
  Clontarf Proclamation, The, 417
  Dublin Protestant Operative Association, 386
  Grand Juries (Ireland), 1267
  Ireland, State of, Com. moved for, 90
  Registration of Voters (Ireland), Leave, 1692, 1723

Eliot, Right Hon. Lord—*continued.*
  Roman Catholics, Exclusion of, from Juries, 1068

Ellenborough's Lord, Proclamation—Newspaper Despatch, c. 602;—*Gwalior*, 726

Elphinstone, Mr. H. (*Lewes*)
  Arches, Court of, 2R. 964
  Probate and Legacy Duties, Com. moved for, 1036, 1053, 1055

Employment of Ships to collect Rates (Ireland), c. 316, 468, 729, 1616

Enclosure, see *Inclosure*

Epsom and South Western Railway, c. 2R.* 860;—see *Croydon*

Escott, Mr. B. (*Winchester*)
  Clerks Fees in Courts of Law, 1071
  Factories, Com. 1524
  Gaming Actions Discontinuance, 3R. 390

Espartero, General, c. 393

Estcourt, Mr. T. G. B. (*Oxford University*)
  Parliamentary Agents—Standing Orders, 583
  Railway Committees, Report, 527

European Life Insurance and Annuity Company, c. 1R.* 860; 2R.* 1267

Ewart, Mr. W. (*Dumfries*)
  Brazil, Relations with, 625;—Treaty with, 728
  Commercial Treaties, 1279
  Corn from the Colonies, Com. moved for, 1573
  Duelling, 1025
  Factories, Com. 1523
  Import Duties, Res. 1356, 1647, 1655
  Plata, Blockade of the River, 755
  Public Business—Adjournment, 1753
  Railway Committees, Report, 525
  Supply—Civil Contingencies, 1735

Exchequrr, Chancellor of the, *see* Chancellor of the Exchequer

Exeter, Bishop of
  Charitable Bequests, Board of—System of National Education (Ireland), 509, 513, 514, 515
  Church, The (Ireland), 1173
  Privy Council Appellate Jurisdiction, 2R. 715, 720
  Suicide in a Poor-Law Union Cell, 1473, 1478, 1479, 1480, 1481
  Union Workhouses, Spiritual Instruction in, 107, 133, 134

Factories, c. Com. *cl.* 2, Amend. (Viscount Ashley), 1073; Adj. Debate, 1172, [*o. q.* A. 170, N. 179, M. 9] 1263; Amend. (Viscount Ashley), [A. 161, N. 153, M. 8] 1266, 1269, 1371; *cl.* 8, 1376; Amend. (Viscount Ashley), 1378, [*o. q.* A. 183, N. 186, M. 3] 1460; Amend. (Viscount Ashley, [A. 181, N. 188, M. 7] 1463, 1482, 1588; *l.* 1596; *c.* Com. 1617; Order for Com. discharged, 1647;—see *Labour, Limitation of*

Factories (No. 2), *c.* Leave 1666; 1R.* 1671

Farrington and Cwmgilla Inclosure, c. 1R.* 600; 2R.* 860

Fawcett Colonel, The late, c. 360, 760, 990

Fees, see *Clerk's Fees*

Ferguson, Sir R. A. (*Londonderry City*)
Presbyterian Marriages, 532

Ferrand, Mr. W. B. (*Knaresborough*)
Factories, Com. *cl.* 8, 1454, 1497, 1499, 1508
Masters and Servants, 1589

Fielden, Mr. J. (*Oldham*)
Army Estimates, 547
Factories, Com. *cl.* 2, 1231
Grievances, Redress of—The Income Tax, 289

Fitzroy, Rt. Hon. Lord C. (*Bury St. Edmunds*)
Duelling, 832

Fitzwilliam, Earl of
Church, The (Ireland), 1164, 1172, 1174
Railways, 1060

Forstalling, Regrating & Engrossing, *l.* 1R. 1742

Fox, Colonel C. R. (*Tower Hamlets*)
Army Estimates—Duelling, 771
Incendiary Fires, 1368

France, Commercial Treaty with, c. 602;—see *Carlos, Don—Tahiti*

Free Trade—Corn Law Agitation, *l.* 781

French, Mr. F. (*Roscommon*)
Church Temporalities (Ireland), Leave, 1739, 1741
Irish Naval Officers, 1059
Poor Law (Ireland), 1525
Registration of Voters (Ireland), Leave, 1718

Furness Railway, c. 1R.* 436; 2R.* 580; Rep.* 1545

Game Laws, see *Night Poaching Prevention*

Gaming Actions Discontinuance, c. Rep. *add. cl.,* (Mr. C. Berkeley) 231; *cl. neg.* 324; 3R. 388, [A, 87, N, 21, M. 66] 391; *l.* Royal Assent, 570;—see *Witnesses Indemnity*

Garnkirk, Glasgow and Coatbridge Railway, c. 1R.* 1267; 2R.* 1482

Gas Companies, see *Leeds—Liverpool—London—Paisley—Rochdale—Sheffield—York*

General Steam Carriage Company, c. 1R.* 1175

Gibson, Mr. T. M. (*Manchester*)
Brazil, Relations with, 646, 676
Factories, Com. *cl.* 2, 1110
Gaming Actions Discontinuance, 3R. 391
Sugar, Consumption of, 727;—Imported, 963

Gill, Mr. T. (*Plymouth*)
Army, The—Duelling, 1369, 1371
Military Discipline—Duelling, 861

Gisborne, Mr. T. (*Nottingham*)
Controverted Elections, Com. moved for, 1534
Grievances, Redress of—The Income Tax, 302

Gladstone, Right Hon. W. E. (*Newark-upon-Trent*).
Brazil, Relations with, 619, 526
Commercial Treaties, 1280
Corn from the Colonies, Com. moved for, 1561
Partnership, Law of, Com. moved for, 1754
Protective Duties—The Agricultural Interest, Com. moved for, 895, 912
Railway Committees, Report, 516, 723, 725, 1070

Glasgow Railway, see *Edinburgh—Garnkirk*

Globe Insurance Company, c. 1R.* 720; 2R.* 1175

Glossop Market, c. 1R.* 600; 2R.* 1065; Rep.* 1691

Gold and Silver Wares, c. 1R*. 860; 2R*. 1482

Gorbals Statute Labour, c. 1R.* 860; 2R.* 1366

Gore, Mr. M. (*Barnstaple*)
Carlos, Don, Imprisonment of, 384
Registration of Voters (Ireland), Leave, 1720

Goulburn, Right Hon. H., *see* Chancellor of the Exchequer

Graham, Right Hon. Sir J. R. G. (*Dorchester*)
Arches, Court of, 2R. 965
Clerks Fees in Courts of Law, 1072
County Courts, Leave, 1671, 1673
Factories, Com. *cl.* 2, 1101, 1201, 1256, 1266, 1270, 1372; *cl.* 8, 1378, 1450, 1458, 1463, 1482, 1503, 1504, 1507, 1508, 1588, 1617
Factories (No. 2), Leave, 1666
Incendiary Fires, 1368
Interments, 1304
Land Tax Commissioners Names, 2R. 1058, 1059
Law Courts (Scotland), 334
Law of Settlement—Removal of Irish Paupers, 1176
Lime, Toll on (Wales), Leave, 1549
Masters and Servants, Com. 980, 1306; *cl.* 1, 1307, 1589
Mutiny, Com. 1531
Poor Law Amendment, 2R, 135, 329
Poor Law (Ireland), 325, 531, 1530
Presbyterian Marriages, 532
Quarter Sessions, Leave, 605
State Trials (Ireland)—The Witnesses, 448

Grand Juries (Ireland), c. 1267

Granton Railway, see *Edinburgh*

Great Western Railway, c. 2R. 276; 3R.* 1352; Passed* 1587; *l.* 1R.* 1590

Greece, Affairs of, c. 990

Greene, Mr. J. (*Lancaster*)
Railway Committees, Report, 529

Gregory, Mr. W. H. (*Dublin*)
Ireland, State of, Com. moved for, 32

Grey, Right Hon. Sir G. (*Devonport*)
Controverted Elections, Com. moved for, 1537
Factories, Com. *cl.* 2, 1194, 1215

Grey, Right Hon. Sir G.—*continued*
  Parliamentary Agents—Standing Orders, 581
  Tahiti, 23

Grievances, Redress of—The Income Tax, c. 276, [*o. q.* A. 105, N. 11, M. 94] 302

Grimsditch, Mr. T. (*Macclesfield*)
  Factories, Com. *cl.* 2, 1374

Grosvenor, Right Hon. Lord R. (*Chester*)
  Duelling, 837, 1033
  Shipwrecks—Harbours of Refuge, 405

Guilford Junction Railway, c. 1R.* 436; 2R.* 58; Rep.* 1304; 3R.* 1616; *l.* 1R.* 1597

Gwalior—Proclamation of Lord Ellenborough, c. 602, 726

Haltwhistle Inclosure, c. 1R.* 720; 2R.* 1065

Hamilton, Mr. G. A. (*Dublin University*)
  Ireland, State of, Com. moved for, 51

Handloom Weavers, *l.* 1364

Hanmer, Sir J. (*Kingston-on-Hull*)
  Commercial Treaties, 1299
  Railway Committees, Report, 527

Harbours of Refuge, c. 396;—see *Hartlepool—Newquay—Padstow—Pulteney—Swansea—Wells*

Hardinge, Right Hon. Sir H. (*Launceston*)
  Army Estimates, 536, 538, 540, 541, 548, 557, 568, 761, 766, 774
  Brighton, Military Outrage at, 327
  Duelling—Colonel Fawcett, 761, 766, 771, 805, 815, 830, 831;—Military Discipline, 861, 862, 1371
  Ordnance Estimates, 780

Hardy, Mr. J. (*Bradford*)
  Factories, Com. *cl.* 2, 1262

Harrowgate and Knaresborough Railway, c. 1R.* 963; 2R.* 1482

Hartlepool Pier and Port, c. 1R.* 1304

Hartlepool West Harbour and Dock, c. 2R.* 325; Rep.* 1616

Harwich Railway, c. 1R.* 600;—see *Colchester*

Hastings Railway, see *Brighton—South Eastern*

Hawes, Mr. B. (*Lambeth*)
  Corn from the Colonies, Com. moved for, 1473
  County Courts, Leave, 1673
  Factories, Com. 1522
  Factories (No. 2), Leave, 1670
  Gaming Actions Discontinuance, 3R. 390
  Masters and Servants, Com. 1306, 1590
  Protective Duties—The Agricultural Interest, Com. moved for, 905, 910
  Quarter Sessions, Leave, 605
  Railways, Committee on, 725
  Three-and-a-Half per Cent. Stock, Reduction of, 752

Hay, Sir A. L. (*Elgin, &c.*)
  Army Estimates—Duelling, 772

Heathcote, Sir W. (*Hampshire, N.*)
  Parliamentary Agents—Standing Orders, 851

Henniker, Right Hon. Lord (*Suffolk, E.*)
  Incendiary Fires, 1369

Herbert, Hon. S. (*Wiltshire, S.*)
  Grievances, Redress of—The Income Tax, 297
  Irish Naval Officers, 1059
  Marine Mutiny, Com. 1533
  Navy Estimates, 312, 313, 318, 478, 486

Heywood Railway, see *Manchester*

Hinde, Mr. J. H. (*Newcastle on Tyne*)
  Railway Committees, Report, 523, 725

Hindley, Mr. C. (*Ashton-under-Lyne*)
  Factories, Com. *cl.* 2, 1243, 1244, 1261; *cl.* 8, Amend. Adj 1451, 1484, 1508
  Railways, Committee on, 720, 725
  Tahiti, 327

Hobhouse, Right Hon. Sir J. C. (*Nottingham*)
  Army Estimates, 568
  Morrison, Rev. Dr., Com. moved for, 1580

Holyhead Railway, see *Chester*

Hope Mr. G. W. (*Southampton*)
  Levant, Criminal Jurisdiction in the, 1010
  New South Wales, 989

Horse Racing Penalties, see *Gaming Actions Discontinuance*

Howard, Mr. P. H. (*Carlisle*)
  Army Estimates, 565
  Import Duties, 1660

Howick, Viscount (*Sunderland*)
  Army Estimates, 540, 542, 558, 760
  Commercial Treaties, 1288
  Duelling—Colonel Fawcett, 760, 761, 773, 829, 831
  Factories, Com. *cl.* 2, 1126, 1190, 1208, 1495, 1627
  Ireland, State of, Com. moved for, 248
  Registration of Voters (Ireland), Leave, 1713

Huddersfield Branch Railway, c. 2R.* 276

Hume, Mr. J. (*Montrose, &c.*)
  Commercial Treaties, 1303
  Commons, Inclosure of, 2R. 974
  Duelling, 1033
  Factories, Com. 511
  Factories, (No. 2) Leave, 1669
  Import Duties, 1650, 1651
  Ireland, State of, Com. moved for, 47
  Land Tax Commissioners Names, 2R. 1058
  Lime, Toll on (Wales), Leave, 1545
  Probate and Legacy Duties, Com. moved for, 1053, 1054
  Public Business—Adjournment, 1752
  Registration of Voters (Ireland), Leave, 1719
  Supply—British Museum, 1662, 1663;—Commissariat, 1663;—Civil Contingencies, 1735
  Three-and-a-Half per Cent. Stock, Reduction of, Report, 800

Hutt, Mr. J. (*Gateshead*)
  Corn from the Colonies, Com. moved for, 1553, 1574

Hythe (Hants) Landing Place, c. 1R.* 1175; 2R.* 1616

Idolatry in India, c. 1066

Immigration, West India, c. 1355

Import Duties, c. (Mr. Ewart's Resolution), 1356, 1647, [*o. q.* A. 88, N. 24, M. 64] 1660

Incendiary Fires, c. 1368

Inclosures, see *Bleddfa—Brandes Burton—Bury—Commons—Farrington—Haltwhistle—Ramsay—Thetford—West Croft (Nottingham)*

Income Tax, The, see *Grievances, Redress of*

Indemnity, c. 1R.* 989; 2R.* 1065; Rep.* 1366; 3R.* 1482; *l.* 1R.* 1538; 2R.* 1597; 3R.* 1674; Royal Assent, 1742;—see *Witnesses*

India, see *Ellenborough, Lord—Gwalior—Idolatry*

Inglis, Sir R. H. (*Oxford University*)
  Duelling, 834
  Factories, Com. *cl.* 8, 1428, 1504, 1505, 1630
  Greece, Affairs of, 1005
  Idolatry in India, 1066

Interments, c. 1304

International Copyright, c. 1R.* 860; 2R.* 1175; Rep.* 1366; 3R.* 1482; *l.* 1R.* 1538; 2R.* 1597; Rep.* 1674; 3R.* 1741

Ionian Islands—Explanation, c. 838

Ireland, State of, Com. moved for, Adj. debate, 23, 135, [A. 225, N. 324, M. 99] 266; *l.* 1590;—see *Athlone—Catholic Priest—Church, The—Clontarf Proclamation—Conveyances—Dromore, Deanery of—Dublin—Ecclesiastical Courts—Education—Employment of Ships to collect Rates—Grand Juries—Juries—Law of Settlement—Limerick—Maynooth—Naval Officers—Navy Estimates—O'Gorman Mahon, Mr.—Poor Law—Presbyterian Marriages—Registration—Repeal Agitation—Roman Catholics—State Trials—Teachers of Schools—Tenure of Land*

James, Sir W. C. (*Kingston-upon-Hull*)
  Law of Settlement—Removal of Irish Paupers, 1177

Jolliffe, Sir W. G. H. (*Petersfield*)
  Lime, Toll on (Wales), Leave, 1550

Judicial Committee of the Privy Council, see *Privy Council*

Juries (Ireland), *l.* 1610

Kenyon, Lord
  Suicide in a Poor Law Union Cell, 1478

Kingston-upon-Hull Docks, c. 1R.* 580

Knaresborough Railway, see *Harrowgate*

Knight, Mr. H. G. (*Nottinghamshire*)
  Masters and Servants, 1589

Labouchere, Right Hon. H. (*Taunton*)
  Brazil, Relations with, 606, 636, 637
  Corn from the Colonies, Com. moved for, 1569
  Factories, Com. *cl.* 2, 1223, 1269. 1374
  France, Commercial Treaty with, 602
  Lime, Toll on (Wales), Leave, 1548
  Railway Committees, Report, 521, 724

Labour, Limitation of Hours of, *l.* 1464

Lakenheath and Brandon Drainage, c. 1R.* 1366

Lambeth Suspension Bridge, see *Westminster*

Lancaster and Carlisle Railway, c. 2R.* 134; Rep.* 989; 3R.* 1352; *l.* 1R.* 1308

Land Tax Commissioners Names, c. 1R.* 989; 2R. 1058, 1065

Landlord and Tenant Commission (Ireland), see *Tenure of Land*

Landlord and Tenant Law Amendment, *l.* 1R,* 781

Lansdowne, Marquess of
  Charitable Bequests, Board of—System of National Education (Ireland), 514
  China, Supplemental Treaty with, 1677
  Clerks to Justices, Fees of, 1743, 1745
  Ireland, State of, 1592
  Juries (Ireland), 1610, 1613, 1615
  Limerick, Distress in, 1601
  Maynooth College, 858
  Prosecutions at Petty Sessions, Expense of, 690
  Suicide in a Poor Law Union Cell, 1480, 1481

Lascaridi's Naturalization, *l.* 1R.* 570; 2R.* 1267; Rep.* 1308; 3R.* 1360; c. 1R.* 1587; 2R.* 1691

Late Sittings, c. (Mr. W. Williams's Motion), 583, [A. 16, N. 148, M. 130] 590

Law Courts (Scotland), c. 330

Law of Settlement—Removal of Irish Paupers, c. 1176

Laws for Scotland, c. 601

Layard, Captain, B. V. (*Carlow Bo.*)
  Army Estimates, 554

Legacy Duties, see *Probate Duties*

Leeds and Bradford Railway, c. 1R.* 392; 2R.* 580

Leeds and Selby Railway Purchase c. 2R.* 276

Leeds and Selby Railway Purchase (No. 2), c. 1R.* 989; 2R.* 1267;—see *Manchester*

Leeds New Gas, c. 1R.* 598

Lefevre, Right Hon. C. S., *see* Speaker, The

Leith Railway, see *Edinburgh*

Levant, Criminal Jurisdiction in the, c. 1007;—see *Greece*

Lewes Railway, see *Brighton*

Liddell, Hon. H. T., (*Durham, N.*)
  Ireland, State of, Com. moved for, 45

Lilford, Lord
  Handloom Weavers, 1364, 1366
  Marsh, The Rev. Herbert, 798, 800, 1065

Lime Toll Exemption, Leave, 1545, [A. 68, N. 42, M. 26] 1552; 1R.* 1691

Limerick, Distress in, *l.* 1600

Lincoln, Earl of (*Nottinghamshire, S.*)
  Metropolitan Buildings, Leave, 393, 396
  Supply—Civil Contingencies, 1736
  Victoria Park, 1176

Lindsay, Mr. H. H. (*Sandwich*)
  Morrison, Rev. Dr., Com. moved for, 1585

Liverpool Docks, *c.* 1R.* 580

Liverpool Fire Prevention, *c.* 1R.* 989; 2R.* 1175

Liverpool New Gas and Coke, *c.* 2R.* 134; 3R.* 1366; *l.* 1R.* 1360

Liverpool Railway, see *Ashton*

Llangunllo Inclosure, see *Bleddfa*

London, Bishop of
  Ecclesiastical Courts, 2R. 1338, 1344, 1349; Com. *cl.* 7, 1538; 3R. 1689

London Gas, *c.* 1R.* 580

London and South Western Railway (No. 1), *c.* 1R.* 1175; 2R.* 1545; — see *Newbury*

Lyndhurst, Lord, *see* Chancellor, The Lord

Macaulay, Right Hon. T. B. (*Edinburgh*)
  Ellenborough's, Lord, Proclamation — Newspaper Despatch, 602;—Gwalior 726, 727

Macclesfield Railway, see *Manchester*

MacGeachy, Mr. F. A. (*Honiton*)
  Factories, Com. *cl.* 2, 1216

Maclean, Mr. D. (*Oxford*)
  Coroners, County, Com. *cl.* 20, 599

McNeil, Mr. D., *see* Advocate, The Lord

Malan's Naturalization, *l.* 1R.* 1156

Malmesbury, Earl of
  New Zealand, 1674, 1675

Manchester and Birmingham (*Macclesfield and Poynton Branch*) *Railway*, *c.* 1R.* 392; 2R.* 515; Rep.* 1545

Manchester and Leeds Railway (*Bradford Branch*), *c.* 2R.* 276

Manchester and Leeds Railway (*Bury Branch*) *c.* 2R.* 276

Manchester and Leeds, and Heywood Branch Railway, *c.* 2R.* 276; Rep.* 1472;—see *Sheffield*

Manchester Improvement, *c.* 1R.* 989; 2R.* 1545

Manchester Police, *c.* 1R.* 989; 2R.* 1545

Manchester Stipendiary Magistrates, *c.* 1R.* 989

Mangles, Mr R. D. (*Guildford*)
  Corn from the Colonies, Com. moved for, 1561

Manners, Lord J. (*Newark-upon Trent*)
  Army Estimates—Duelling, 774
  Carlos, Don, Imprisonment of, 335, 385
  Commons, Inclosure of, Leave, 430
  Factories, Com. *cl.* 8, 1416

Margate Railway, see *South Eastern*

Marianski's Naturalization, *l.* 1R.* 325; 2R.* 600; Rep.* 693; 3R.* 781; *c.* 1R.* 1965; 2R.* 1304

Marine Mutiny, *c.* 1R.* 1175; 2R.* 1304; Com. 1532; Rep.* 1545; 3R.* 1587; *l.* 1R.* 1590; 2R.* 1597; 3R.* 1674; Royal Assent, 1742

Mariners and General Life Assurance Company, *c.* 1R.* 720; 2R.* 1175

Markets see *Edinburgh—Glossop*

Marriage and Divorce, *c.* 1R.* 22;—see *Presterian Marriages*

Marsh, the Rev. Herbert, 798, 1061

Maryport and Carlisle Railway, *c.* 1R.* 989; 2R.* 1545;—see *Whitehaven*

Masters and Servants, *c.* 1R.* 134; 2R.* 598; Com. 979, 1306; *cl.* 1, 1307, 1588

Maynooth College, *l.* 845

Metropolis Improvements, *l.* Royal Assent, 570

Metropolitan Buildings, *c.* Leave, 393; 1R.* 436; 2R.* 1616;—see *Buildings Regulations*

Middle Level Drainage and Navigation, *c.* 1R.* 1175; 2R.* 1616

Midland Railways Consolidation, *c.* 1R.* 600; 2R.* 800; Rep.* 1545, 1616; 3R.* 1691; *l.* 1R.* 1674

Miles, Mr. W. (*Somersetshire, E.*)
  Commons, Inclosure of, 2R. 973
  Masters and Servants, Com. 980, 1306, 1307

Military Discipline—Duelling, *c.* 861

Military Outrage at Brighton, *c.* 326

Milnes, Mr. R. M. (*Pontefract*)
  Carlos, Don, Imprisonment of, 384
  Factories, Com. *cl.* 8, 1396
  Levant, Criminal Jurisdiction in the, 1007, 1015

Mitchell, Mr. T. A. (*Bridport*)
  Factories, Com. *cl.* 8, 1460, 1524

Monkland Railways, *c.* 1R.* 963; 2R.* 1366

Monteagle, Lord
  Criminal Appeals—Bail in Error, 1R. 1742
  Charitable Bequests, Board of—System of National Education (Ireland), 511
  Dromore, Deanery of—The Rev. Holt Waring, 3, 21

MONTEAGLE Lord—*continued*
  Maynooth College, 845, 860
  O'Gorman, Mr.—The State Trials, 276
  Tenure of Land (Ireland), Commission, 433
  Three-and-a-Half per Cents. 2R. 1160, 1164, 1310
  Trade, Restrictions on, 1R. 1742

MORRIS, Mr. D. (*Carmarthen*)
  Lime, Toll on (Wales), Leave, 1550

MORRISON, Mr. J. (*Inverness, &c.*)
  Factories, Com. 1519

Morrison, Rev. Dr., c. Com. moved for, 1576; Motion withdrawn, 1587

Municipal Corporations (Ireland), c. Leave, 1692; 1R.* 1746

MUNTZ, Mr G. F. (*Birmingham*)
  Factories, Com. *cl.* 2, 1262; *cl.* 8, 1460

MURPHY, Mr. Sergeant F. S. (*Cork City*)
  Ireland, State of, Com. moved for, 32
  Steam Communication with the United States, 410

Mutiny, c. 1R.* 1175; 2R.* 1304; Com. 1531; Rep.* 1545; 3R.* 1587; *l.* 1R.* 1590; 2R.* 1597; 3R.* 1674; Royal Assent, 1742

NAPIER, Sir C. (*Marylebone*)
  Carlos, Don, Imprisonment of, 363
  Duelling, 819
  Factories (No. 2), Leave, 1671
  Marine Mutiny, Com. 1532
  Navy Estimates, 303, 313, 320, 475, 484, 486
  Shipwrecks—Harbours of Refuge, 405
  Supply—Civil Contingencies, 1734, 1737

Naturalization of Foreigners, see *Cababe—Capamagian—Lascaridi—Malan—Marianski—Nugent—Sang—Schuster—Spartali*

Naval Officers, Irish, c. 1059

Navy Estimates, c. 303, 468

Ness Fisheries, c. 1R.* 1366; 2R.* 1616

New British Iron Company, c. 1R.* 720; 2R.* 1175

New South Wales, c. 982

New Zealand, *l.* 1674

Newbury and Great Western Railway, c. 2R.* 720

Newbury, Basingstoke, London and Southampton Railway, c. 1R.* 436; 2R.* 720

Newcastle and Darlington Junction Railway, and Tyne Bridge, c. 1R.* 860; 2R.* 1366

NEWDIGATE, Mr. C. N. (*Warwickshire, N.*)
  Protective Duties—The Agricultural Interest, Com. moved for, 956

Newport Dock, c. 1R.* 720

Newport Railway, see *Northern and Eastern*

Newquay Harbour and Railway, c. 1R.* 600; 2R. 860; Rep.* 1616

Newspaper Despatch—Lord Ellenborough's Proclamation, c. 602

NICHOLL, Right Hon. J. I. (*Cardiff*)
  Army Estimates—Duelling, 773

Night Poaching Prevention, c. 1R.* 989; 2R.* 1304; Rep.* 1545; 3R.* 1587; *l.* 1R.* 1590

NORMANBY, Marquess of
  Buildings Regulations, 844, 845
  Catholic Priest—Explanation, 271
  Charitable Bequests, Board of—System of National Education (Ireland), 492, 508, 509, 1311
  Corn Laws, 1363
  Dromore, Deanery of—The Rev. Holt Waring, 16
  Ecclesiastical Courts, Rep. 1593
  Labour, Limitation of Hours of, 1472
  Repeal Agitation (Ireland), 489, 491
  Stipendiary Magistrates (Ireland), 1601, 1607, 1609, 1610

NORREYS, Sir C. D. O. J. (*Mallow*)
  Poor Law (Ireland), 325, 326, 531

North British Railway, c. 1R.* 515; 2R.* 720; Rep.* 1691

North Wales Mineral Railway, c. 1R.* 1366

Northern and Eastern Railway (Newport Deviations), c. 1R.* 720; 2R.* 1175

Northern Coal Mining, c. 1R.* 392; 2R.* 580; Rep.* 1691

Norwich and Brandon Railway, c. 2R.* 276; Rep.* 1176; 3R.* 1616; *l.* 1R.* 1597;—see *Yarmouth*

Nottingham (West Croft Canal) Improvement, c. 1R.* 600

Nugent's Naturalization, *l.* 1R.* 989; 2R.* 1156; Rep.* 1267; 3R.* 1308; c. 1R.* 1366; 2R.* 1545

O'BRIEN, Mr. A. S. (*Northamptonshire, N.*)
  Ireland, State of, Com. moved for, 47

O'CONNELL, Mr. D. (*Cork City*)
  Conveyances — Roman Catholic Clergymen, Leave, 839
  Ireland, State of, Com. moved for, 185

O'CONNELL, Mr. M. (*Tralee*)
  Ireland, State of, Com. moved for, 23

O'CONNELL, Mr. M. J. (*Kerry*)
  Registration of Voters (Ireland), Leave, 1721

O'CONOR, Mr. D. (The O'Conor Don), (*Roscommon*)
  Roman Catholic Charities (Ireland), 531

Offences at Sea, *l.* 3R. 3; Royal Assent, 570

O'FERRALL, Mr. R. M. (*Kildare*)
  Grand Juries (Ireland), 1267
  Marine Mutiny, Com. 1533
  Registration of Voters (Ireland), Leave, 1705

O'Gorman, Mr. R.—State Trials (Ireland), l. 273

Order of the Day, c. 1588

Ordnance Estimates, c. 774

Padstow Harbour, c, 1R.* 598; 2R.* 800; Rep.* 1691

Paisley General Gas, c. 1R.* 1065; 2R.* 1482

Pakington, Mr. J. S. (*Droitwich*)
  Athlone Election, 601
  Coroners, County, Com. *cl.* 20, 599
  Quarter Sessions, Leave, 603

Palmerston, Viscount (*Tiverton*)
  Brazil, Relations with, 680
  Carlos, Don, Imprisonment of, 354
  Chinese Treaty—Sir H. Pottinger, 1754
  Duelling, 822
  Factories, Com. 1645
  Greece, Affairs of, 999
  Levant, Criminal Jurisdiction in the, 1014
  Public Business—Adjournment, 1750

Parishes (Scotland), c. Leave, 597; 1R.* 598; 2R.* 1482; Rep.* 1545

Parliament, New Houses of, l. 797

Parliamentary Agents—Standing Orders, c. 581

Partnership, Law of, c. Com. moved for, 1754

Patten, Mr. J. W. (*Lancashire, N.*)
  Railways, Committee on, 724

Pechell, Captain G. R. (*Brighton*)
  Brighton, Military Outrages at, 326
  Employment of Ships to collect Rates (Ireland), 316, 468, 729, 1616
  Gaming Actions Discontinuance, Rep. *add. cl.* 324
  Marine Mutiny, Com. 1533
  Mutiny, Com. 1531
  Navy Estimates, 316, 468, 470, 474, 483
  Ordnance Estimates, 779
  Poor Law Amendment, 2R. 135

Peel, Colonel J. (*Huntingdon*)
  Gaming Actions Discontinuance, 3R. 391

Peel, Right Hon. Sir R. (*Tamworth*)
  Army Estimates, 538
  Brazil, Relations with, 671;—Treaty with, 728
  Carlos, Don, Imprisonment of, 344
  Chinese Treaty—Sir H. Pottinger, 1753
  Commons, Inclosure of, 2R. 974
  Controverted Elections, Com. moved for, 1533, 1537
  Duelling, 329; 330, 825, 1028
  Dublin University, 1759, 1760
  Ecclesiastical Courts (Ireland), 1066
  Ellenborough's Lord, Proclamation—Newspaper Despatch, 602;—Gwalior, 726
  Factories, Com. *cl.* 2, 1241, 1515, 1638
  France, Commercial Treaty with, 603
  Greece, Affairs of, 997, 999, 1002
  Idolatry in India, 1067
  Ireland, State of, Com. moved for, 51, 206, 248
  Levant, Criminal Jurisdiction in the, 1012, 1016

Peel, Right Hon. Sir R.—*continued*
  Morrison, Rev. Dr., Com moved for, 1581, 1587
  Plata, Blockade of the River, 757
  Privy Council, Judge of the, 1728
  Probate and Legacy Duties, Com. moved for, 1054
  Public Business—Adjournment, 1746, 1749, 1750
  Registration of Voters (Ireland), Leave, 1716 1725
  Roman Catholic Charities (Ireland), 531
  Shipwrecks—Harbours of Refuge, 403, 405
  Steam Communication with the United States, 409
  Sugar, Consumption of, 727;—Imported, 963
  Supply—British Museum, 1662, 1663;—Civil Contingencies, 1737
  Tahiti, 23, 328
  Wrecks of the Nerbudda and Ann, 1367

Penalties for Gaming, see *Gaming*

Pendleton Road, c. 1R.* 600

Peterborough, Bishop of
  Marsh, The Rev. Herbert, 798, 1062

Peterborough Railway, see *Eastern Counties*

Plata, Blockade of the River, c. 755

Plumptre, Mr. J. P. (*Kent, E.*)
  Duelling, 1034

Plumridge, Captain J. H. (*Penryn and Falmouth*)
  Navy Estimates, 31

Poaching Prevention, see *Night Poaching*

Poles in Prussia, l. 272

Police Metropolitan, The, c, 592

Pollington, Viscount (*Pontefract*)
  Protective Duties—The Agricultural Interest, Com. moved for, 917

Pollock, Sir F. *see* Attorney General, The

Pontop and Southshields Railway, c. 1R.* 860; 2R.* 1366

Poor Law Amendment, c. 2R.* 135, 328;—see *Suicide—Union Workhouses*

Poor Law (Ireland), c. 323, 531, 1525, 1616;—see *Employment of Ships*

Poor Law (Scotland), see *Edinburgh Poor Assessment*

Portman, Lord
  Free Trade—Corn Law Agitation, 784

Postage Stamps, c. 1056

Pottinger, Sir H.—Chinese Treaty, c. 1753

Powell, Mr. C. (*Limerick Co.*)
  Ireland, State of Com. moved for, 60

Poynton Railway, see *Manchester*

Presbyterian Marriages (Ireland), c, 532; *l.* 1597

Preston and Wyre Dock, c, 1R.* 392

Preston Railway, see *Blackburn—Bolton*

Prisons (Scotland), c. Leave, 432; 1R.* 433; 2R.* 515

Privy Council Appellate Jurisdiction, *l.* 1R.* 487; 2R* 691; Com. 796; *c.* 1726

Probate and Legacy Duties, *c.* Com. moved for, 1036

Property, Transfer of, *l.* 1R* 107

Prosecutions and Petty Sessions, Expence of, *l.* 690

Protective Duties—The Agricultural Interest, *c.* Com. moved for, 862, [A. 133, N. 224 M. 91] 960;—see *Agriculture*

Protestant Places of Worship, Registering of, *l.* 1R.* 1674

Protheroe, Mr. E. (*Halifax*)
  Supply—British Museum, 1663

Public Business, *c.* 1746

Pulteney Town, Harbour and Improvement, *c.* 1R.* 1365; 2R.* 1746

Quarter Sessions (Cities and Boroughs), *c.* Leave, 603; 1R.* 1304; 2R.* 1587

Qui Tam Actions, see *Gaming Actions Discontinuance*

Radnor, Earl of
  Agriculture, Protection to, 796
  Corn Laws, 1360, 1361, 1362, 1363
  Free Trade—Corn Law Agitation, 781, 783, 789, 794
  Suicide in a Poor Law Union Cell, 1478

Railway Committees, *c.* Report, 516; Amend. (Colonel Sibthorp), Adj. 526, [A. 3, N. 200, M. 197] 530, 720; *l.* 1060; *c.* 1069;—see *Ashton—Blackburn—Bolton—Brighton—Chester—Colchester—Croydon—Delabole—Eastern Counties—Eastern Union—Edinburgh—Furness—Garnkirk—Great Western—Guilford—Harwich—Harrowgate—Huddersfield—Lancaster—Leeds—London—Manchester—Maryport—Midland—Monkland—Newbury—Newcastle—Newquay—North British—Northern and Eastern—Norwich—North Wales—Pontop—Salisbury—Sheffield—Slamannan—South Devon—South Eastern—Stratford—Taff Vale—Whitehaven—Yarmouth—York*

Ramsay Inclosure, *c.* 2R.* 134; Rep.* 989; 3R.* 1366; *l.* 1R.* 1360; 2R.* 1538; Rep.* 1597; 3R.* 1674; Royal Assent, 1742

Ramsgate Railway, see *South Eastern*

Rawdon, Lieut. Colonel J. D. (*Armagh City*)
  Clontarf Proclamation, The, 411
  Grievances, Redress of—The Income Tax, 283

Redesdale, Lord
  Clerks to Justices, Fees to, 1745

Registration of Voters (Ireland), *c.* Leave, 1692; 1R.* 1746, 1752

Reid, Sir J. R. (*Dover*)
  Shipwrecks—Harbours of Refuge, 420
  Three-and-a-Half per Cent. Stock, Reduction of, 749

Repeal Agitation (Ireland), *l.* 487

Representation, Reform of the, *c.* 464, 755

Reversionary Interest Society, *c.* 1R.* 1366; 2R.* 1746

Ribble Navigation, *c.* 2R.* 134; 3R.* 1267; *l.* 1R.* *ib.*; 2R.* 1360; Rep.* 1590; 3R.* 1597; Royal Assent, 1742

Ricardo, Mr. I. L. (*Stoke upon Trent*)
  Commercial Treaties, 1270, 1271
  Three-and-a-Half per Cent Stock, Reduction of, 1754

Rice, Mr. E. R. (*Dover*)
  Shipwrecks—Harbours of Refuge, 396, 406

Richmond, Duke of
  Agriculture, Protection to, 795, 841
  Corn Laws, 1361, 1363
  Dromore, Deanery of—The Rev. Holt Waring, 22
  Free Trade—Corn Law Agitation, 782, 783, 790

Ripon, Earl of
  Dromore, Deanery of—The Rev. Holt Waring, 13, 18
  New Zealand, 1675
  Stipendiary Magistrates (Ireland), 1609, 1610
  Three and a Half per Cents, 2R., 1160, 1163

Roads, see *Pendleton—Sidmouth—Wich Tree—Wildmore*

Rochdale Gas, *c.* 2R.* 276; Rep.* 989; 3R.* 1852; *l.* 1R.* 1308; 2R.* 1464; Rep.* 1674; 3R.* 1742

Rochdale Improvements, *c.* 1R.* 600

Roche, Mr. E. B. (*Cork Co.*)
  Clontarf Proclamation, The, 421
  Grievances, Redress of—The Income Tax, 298
  Ireland, State of, Com. moved for, 230, 255

Rock Railway, see *Delabole*

Rodbard's Name, *l.* 841

Roebuck, Mr. J. A. (*Bath*)
  Ireland, State of, Com. moved for, 145, 155, 161, 164

Roman Catholic Charities (Ireland), *c.* 531

Roman Catholics Exclusion of, from Juries, *c.* 1067

Rosebery, Earl of
  Agriculture, Protection to, 841

Rous, Hon. Captain H. J. (*Westminster*)
  Factories, Com., 1498
  Navy Estimates, 478, 484

Russell, Right Hon. Lord J. (*London*)
Factories, Com. *cl.* 2, 1256, 1509, 1634, 1639
Ireland, State of, Com. moved for, 222, 256, 258
Privy Council, Judge of the, 1726, 1729
Public Business—Adjournment, 1747
Registration of Voters (Ireland), Leave, 1710
State Trials, (Ireland)—The Witnesses, 455

Salford Improvement, c. 1R.* 720 ; 2R.* 1267

Salisbury, Bishop of
Union Workhouses, Spiritual Instruction in, 133

Salisbury, Marquess of
Buildings Regulations, 845

Salisbury Branch Railway, c. 1R.* 276 ; 2R.* 364

Sandon, Viscount (*Liverpool*)
Brazils, Relations with, 657
Factories, Com. *cl.* 2, 1130, 1507, 1517, 1588
Railway Committees, Report, 528
West Indies, East India Labourers in the, 1692

Sang's Naturalization, c. 2R.* 276 ; Rep.* 392 ; 3R.* 436 ; *l.* Royal Assent, 570

Scarborough Railway, see *York*

Schuster's Naturalization, l. 1R.* 570 ; 2R.* 781 ; Rep.* 841 ; 3R.* 989 ; *c.* 1R.* 1065 ; 2R.* 1267

Scotland, see *Dingwall—Edinburgh—Gorbals—Law Courts—Laws—Ness Fisheries—Parishes—Prisons*

Scott, Hon F. (*Roxburgshire*)
Protective Duties—The Agricultural Interest, Com. moved for, 919

Scott, Mr. R. (*Walsall*)
New South Wales, 982
Coroners, County, Com. *cl.* 6, Amend., 1305

Selby Railway, see *Leeds*

Servants, see *Masters*

Severn Navigation, c. 1R.* 276 ; 2R.* 436 ; Rep.* 1866 ; 3R.* 1482 ; *l.* 1R.* 1464 ; 2R.* 1590 ; Rep.* 1742

Shaw, Right Hon. F. (*Dublin University*)
Church Temporalities (Ireland), Leave, 1741
County Courts, Leave, 1673
Dublin University, 1759
Ireland, State of, Com. moved for, 170
Irish Naval Officers, 1052
Registration of Voters (Ireland), Leave, 1709

Sheffield, Ashton-under-Lyne, and Manchester Railway, c. 1R.* 515 ; 2R.* 720

Sheffield United Gas Light Company, c. 1R.* 600 ; 2R.* 860

Sheil, Right Hon. R. L. (*Dungarvon*)
Ireland, State of, Com. moved for, 71, 83, 158 219, 220

Shelburne, Earl of (*Calne*)
Protective Duties—The Agricultural Interest, Com. moved for, 931

Sheppard, Mr. T. (*Frome*)
Factories, Com. *cl.* 8, 1376

Shipwrecks—Harbours of Refuge, c. 396 ;—see *Wrecks*

Sibthorp, Colonel D. L. W. (*Lincoln*)
Brazil, Relations with, 662
Commons, Inclosure of, Leave, Amend. 427 ; 2R. 968
Protective Duties—The Agricultural Interest, Com. moved for, 931
Railway Committees, Report, Amend. Adj. 526
Supply—Civil Contingencies, 1737

Sidmouth and Collumpton Road, c. 1R.* 800 ; 2R.* 1267

Slamannan Junction Railway, c. 1R.* 515 ; 2R.* 720

Slavery in Louisiana, l. 491, 1156

Small Debts Courts, see *County Courts*

Smith, Right Hon. R. V. (*Northampton*)
Factories, Com. *cl.* 8, 1377, 1402, 1500
West India Immigration, 1355

Smith, Right Hon. T. B. C. (*Ripon*)
Ireland, State of, Com. moved for, 83

Smythe, Hon. G. A. P. S. (*Canterbury*)
Carlos, Don, Imprisonment of, 350

Somers, Mr. J. P. (*Sligo Bo.*)
Clontarf Proclamation, The 420

Somerset, Right Hon. Lord G. C. H. (*Monmouthshire*)
Parliamentary Agents—Standing Orders, 582, 583

South Devon Railway, c. 1R.* 392 ; 2R.* 575

South Eastern and Hastings Railway, c. 1R.* 600 ; 2R.* 1065

South Eastern, Canterbury, Ramsgate and Margate Railway, c. 1R.* 600 ; 2R.* 800 ; Rep.* 1616

South Eastern Railway, c. 1R.* 989 ; 2R.* 1366

South Shields Railway, see *Pontop*

South Western Railway, see *Epsom—London*

Southampton Improvement, c. 1R.* 800 ; 2R.* 1482

Southampton Marsh Improvement, c. 1R.* 800 ; 2R.* 1616

Southampton Railway, see *Newbury*

Spain, Affairs of, see *Carlos, Don—Espartero, General*

Spartali's Naturalization, l. 1R.* 570; 2R.* 1267; Rep.* 1308; 3R.* 1360; *c.* 1R.* 1587; 2R.* 1691

SPEAKER, The (The Right Hon. C. S. Lefevre) (*Hampshire, N.*)
  Masters and Servants—Order of the Day, 1589, 1590
  Parliamentary Agents—Standing Orders, 583
  Poor-Law (Ireland), 1525, 1531
  Probate and Legacy Duties, Com. moved for, 1052, 1055
  Railways, Committee on, 725, 726

Staleybridge Railway, see *Ashton*

Standing Orders—Parliamentary Agents, c. 581

STANLEY, Hon. W. O. (*Anglesea*)
  Camden Town Duel, The, 990
  Duelling, 835
  Protective Duties—The Agricultural Interest, Com. moved for, 960

STANLEY, Right Hon. Lord (*Lancashire, N.*)
  Corn from the Colonies, Com. moved for, 1570
  Factories, Com. 1520
  Import Duties, 1650
  Ionian Islands—Explanation, 838, 839
  Ireland, State of, Com. moved for, 99, 258
  Ordnance Estimates, 777
  Supply—Civil Contingencies, 1735, 1737
  West India Immigration, 1356
  West Indies, East India Labourers in the, 1692

State Trials (Ireland)—The Witnesses, c. Returns moved for, 436, [*o. q.* A, 144, N. 73, M. 71] 462, 1352

STAUNTON, Sir G. T. (*Portsmouth*)
  Morrison, Rev. Dr., Com. moved for, 1576, 1586

Steam Communication with America, c. 406

STEWART, Mr. P. M. (*Renfrewshire*)
  Three-and-a-Half per Cent Stock, Reduction of, 750

Stipendiary Magistrates (Ireland), l. 1601

Stratford (Eastern Counties) and Thames Junction Railway, c. 1R.* 598; 2R.* 1545

STRICKLAND, Sir G. (*Preston*)
  Factories, Com. *cl.* 2, 1374

STRUTT, Mr. E. (*Derby*)
  Factories, Com. *cl.* 2, 1375
  Parliamentary Agents—Standing Orders, 582
  Railway Committees, Report, 529

STUART, Mr. W. V. (*Waterford Co.*)
  Clontarf Proclamation, The, 415

SUDELEY, Lord
  Parliament, New Houses of, 797

Sugar, Consumption of, c. 727;—*Imported,* 963

Suicide in a Poor-Law Union Cell, l. 1473

Supplies, Stopping the—Reform of the Representation, c. 464, [*o. q.* A, 91, N. 15, M. 76] 467, 755, 760

Supply—British Museum, c. 1661;—*Commissariat,* 1665;—*Civil Contingencies,* 1731;—see *Army Estimates—Navy Estimates—Ordnance Estimates*

SUTTON, Hon. J. H. T. M. (*Cambridge*)
  Clerks to Justices, Com. moved for, 982, 1691
  Lime, Toll on, (Wales), Leave, 1547
  Police, Metropolitan, The, 595

Swansea Harbour, c. 1R.* 1175; 2R.* 1616

Swansea Improvement, c. 1R.* 860; 2R.* 1482

Taff Vale Railway, c. 1R.* 1352; 2R.* 1616

Tahiti, l. 1; *c.* 23, 327; *l.* 434

Teachers of Schools (Ireland), c. 2R.* 598; Rep.* 989; 3R.* 1065; *l.* Royal Assent, 1360

Tenure of Land (Ireland) Commission, l. 433, 570

Thames Junction Railway, see *Stratford*

Thetford Inclosure, c. 1R.* 600; 2R.* 1175

THOMPSON, Alderman W. (*Westmoreland*)
  Lime, Toll on (Wales), Leave, 1547
  Three-and-a-Half per Cent Stock, Reduction of, 752

THORNLEY, Mr. T. (*Wolverhampton*)
  Brazil, Relations with, 643

Three-and-a-Half per Cent Annuities, c. 1R.* 801; 2R.* 860; Rep.* 989; 3R.* 1065; *l.* 1R.* 1059; 2R. 1160; 3R.* 1267, 1308, 1351; Royal Assent, 1360

Three-and-a-Half per Cent Annuities (1818) *c.* 1R.* 801; 2R.* 860; Rep.* 989; 3R.* 1055; *l.* 1R.* 1509; 2R. 1160; 3R.* 1267, 1308, 1351; Royal Assent, 1360

Three-and-a-Half per Cent Stock, Reduction of, c. 729; Rep. 800

Trade, Restrictions on, see *Forstalling*

TRELAWNEY, Mr. J. S. (*Tavistock*)
  Carlos, Don, Imprisonment of, 383
  Commons, Inclosure of, Leave, 429
  Probate and Legacy Duties, Com. moved for, 1045

TREVOR, Hon. G. R. R. (*Carmarthenshire*)
  Lime, Toll on (Wales), Leave, 1550

TUFNELL, Mr. H. (*Devonport*)
  Navy Estimates, 477
  Police, Metropolitan, The, 592, 597

Turkey, Commercial Relations with, l. 1677

TURNER, Mr. E. (*Truro*)
- Duelling, 329, 837, 1016, 1036
- Interments, 1304

Tyne Bridge, see *Newcastle Railway*

Union Workhouses, Spiritual Instruction in, l. 107; *c.* 328

United States, Steam Communication with, c. 406 see *Slavery in Louisiana*

Ventnor Improvement, c. 1R.* 600

Victoria Park, c. 1176

VILLIERS, Hon. C. P. (*Wolverhampton*)
- Protective Duties—The Agricultural Interest, Com. moved for, 907, 934

VIVIAN, Mr. J. H. (*Swansea*)
- Lime, Toll on, (Wales) Leave, 1552

WALLACE, Mr. R. (*Greenock*)
- Law Courts (Scotland), 330
- Laws for Scotland, 601
- Postage Stamps, 1056, 1058
- Railway Committees, Report, 527, 1069

WALSH, Sir J. B. (*Radnorshire*)
- Lime, Toll on (Wales), Leave, 1547

WARBURTON, Mr. H. (*Kendal*)
- Brazil, Treaty with, 728
- County Courts, Leave, 1673
- Duelling, 1034
- Factories, Com. *cl.* 2, 1155, 1177
- Probate and Legacy Duties, Com. moved for, 1055
- Three-and-a-Half per Cent. Stocks, Reduction of, 753

WARD, Mr. H. G. (*Sheffield*)
- Factories, Com. *cl.* 2, 1119; *cl.* 8, 1421

Waring, Rev. Holt—The Deanery of Dromore l. 3

Weaver Navigation, c. 1R.* 1366

WELLINGTON, Duke of
- Charitable Bequests, Board of—System of National Education (Ireland) 503, 508, 1311
- Church, The (Ireland), 1170
- Dromore, Deanery of—The Rev. Holt Waring, 19
- Clerks to Justices, Fees of, 1745
- Free Trade—Corn Law Agitation, 789
- Maynooth College, 857
- Railways, 1061
- Stipendiary Magistrates (Ireland), 1605
- Three-and-a-Half per Cents, 1352

Wells Harbour and Quay, c. 1R.* 1175; 2R.* 1616

Wells Lighting and Improvement, c. 1R.* 1175; 2R.* 1616

West Croft (Nottingham) Inclosure, c. 1R.* 600

West India Immigtation, c. 1355

West Indies, East India Labourers in the, c. 1692

WESTMEATH, Marquess of
- Catholic Priest—Explanation, 272
- Dromore, Deanery of—The Rev. Holt Waring, 20, 22
- O'Gorman Mr.—The State Trials, 275
- Repeal Agitation (Ireland), 487, 490

Westminster and Lambeth Suspension Bridge, c. 1R.* 720

WHARNCLIFFE, Lord
- Charitable Bequests, Board of—System of National Education (Ireland), 508
- Clerks to Justices, Fees to, 1745
- Corn Laws, 1362, 1363
- Dromore, Deanery of, the Rev. Holt Waring, 11, 17
- Ecclesiastical Courts, Rep. 1595
- Ireland, State of, 1593
- Juries (Ireland), 1613, 1614, 1615
- Offences at Sea, 3R. 3
- O'Gorman Mr.—The State Trials, 275
- Parliament, New Houses of, 797
- Stipendiary Magistrates (Ireland), 1604, 1608, 1610
- Suicide in a Poor Law Cell, 1478, 1480, 1481
- Union Workhouses, Spiritual Instruction in, 116, 130, 134

Whitehaven and Maryport Railway, c. 1R.* 720; 2R.* 1267

Wich Tree Roads, c. 1R.* 276

Wildmore Fen Highway, c. 1R.* 392

WILLIAMS, Mr. W. (*Coventry*)
- Army Estimates, Amend. Select Com. moved for, 533; Amend. 557
- Factories, Com. 1647
- Grievances, Redress of—The Income Tax, 285
- Import Duties, 1658
- Late Sittings, 583
- Navy Estimates, 319, 476, 485
- Ordnance Estimates, 779
- Supply—Civil Contingencies, 1731, 1737
- Three-and-a-Half per Cent. Stock, Reduction of, 751

Witnesses Indemnity (Gaming), c. 1R.* 276; 2R.* 860; 3R.* 1175; *l.* Royal Assent, 1360

WOOD, Colonel J. (*Breconshire*)
- Commons, Inclosure of, 2R. 973
- Duelling, 822
- Lime, Toll on (Wales), Leave, 1545, 1552
- Protective Duties—The Agricultural Interest, Com. moved for, 930

WOOD, Mr. C. (*Halifax*)
- Factories, Com. 1644

WORSLEY, Lord (*Lincoln., Parts of Lindsey*)
- Clerks to Justices, Com. moved for, 980
- Commons, Inclosure of, Leave, 423; 2R. 965, 976
- Land Tax Commissioners Names, 2R. 1058
- Protective Duties—The Agricultural Interest, Com. moved for, 923

Wortley, Hon. J. S. (*Buteshire*)
Gaming Actions Discontinuance, Rep. *add. cl.* 322

Wortley, Hon. J. S. (*Yorkshire, W. R.*)
Factories, Com. *cl.* 2, 1117
Railway Committees, Report, 527

Wrecks of the Nerbudda and Ann, c. 1369

Wyre Dock, see *Preston*

Wyse, Mr. T. (*Waterford City*)
Dublin University, 1758, 1760
Public Business—Adjournment, 1752,

Wyse Mr. T.—*continued*
Registration of Voters (Ireland), Leave, 1722
State Prosecutions (Ireland), 1352

Yarmouth and Norwich Railway, c. 1R.* 436; 2R.* 580; Rep.* 1691

York and Scarborough Railway, c. 1R.* 276; 2R.* 436; Rep.* 1352; 3R.* 1617

York United Gas, c. R.* 720

Yorke, Mr. H. G. R. (*York City*)
Privy Council, Judge of the, 1730

THE END OF VOL. LXXIII.

Thomas Curson Hansard, Paternoster Row.